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British Politics in Transition

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Edited by DAVID P. BARROWS and THOMAS H. REED

Government Handbooks

BRITISH POLITICS IN TRANSITION

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GEORGE G. HARRAP & COMPANY LTD.

LONDON

CALCUTTA

SYDNEY

1922

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ACKNOWLEDGMENTS

EXPRESSIONS of appreciation are due the authors, editors, and publishers of books, periodicals, and daily journals from which extracts have been taken to present this view of British politics in recent times. While every effort has been made to accord due credit in immediate connection with the use of each extract in the body of the text, the authors wish to express here their thanks for the permissions which have been so graciously extended and for the cordial interest so generally expressed in this book by their fellow workers in the field of comparative politics.

AUTHORS' INTRODUCTION

THE title of this volume of materials for the study of politics requires no special explanation, for the government of every active, struggling nation is always in a process of transition and this is especially true of British government. The political responsibilities of the British people are so exceptional that their conduct of public affairs is a perpetual succession of compromises, adjustments, and innovations. Far-reaching changes frequently take place without actual modification of the word of the law. The British Constitution continually "broadens down from precedent to precedent." In no country is actual government quite as it is described in organic statutes, but in the case of England and the British Empire the letter of the law and the established practice are frequently contradictory.

This book is the result of some years of experience on the part of its authors in the teaching of politics to college students. It is the result of a conviction that actual politics cannot be satisfactorily taught primarily by the use of textbooks. If the student is to acquire a proper technique, if his judgment is to be trained, as it should be trained, he must study government not as it has been, or even as it is, but as it is coming to be. Politics looks essentially to the future; its task is to estimate what is coming. While the achievements of governments and of political parties bulk large in historical works, the methods of the historian and of

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the student of politics are distinct. The historian has the advantage of studying social movements that have reached their termination or attained a certain stability. The literature at his disposal is relatively abundant and authoritative. He can study his subject thoroughly and with leisure. The student of politics has not these advantages. He is occupied with social movements that are in progress, perhaps reaching their crises. The outcome is conjectural. His materials are never adequate or complete. Much that is presented to him is false or distorted by political motives. A great deal that takes place in politics is concealed from ordinary observation. Party or popular convictions frequently mature almost in a covert fashion, to be revealed sensationally in a time of passion or of public danger. Particularly does war strain political institutions to the breaking point and force a re-shaping of government such as rarely is perceived to be imminent or probable. Above all, for the political student, as for the statesman or the soldier, time is the essential element and is always pressing.

The student beginning the study of politics should be early introduced to the difficult character of his subject, to the imperfections of its technique, and to the knowledge, from the start, that the most important element in his preparation is the training of his political judgment. He must early become aware that statesmanship, to be fully successful, must have qualities of imagination and of prophetic foresight. The importance of these considerations have impelled the authors to break with established methods of teaching and to seek less to supply the pupil with dogmatic answers to his questionings than to raise situations and problems

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for which he must be trained to frame political estimates and judgments.

This body of current British political literature is prepared with the purpose that it may be used as the first book placed in the hands of college students studying political science. It is obvious, however, that unsupported it is inadequate. In the first place, a knowledge of the American Constitution and of the American government is presumed. Such American political conceptions as written constitutions possessing higher authority than ordinary statute or common law; of federal government; of presidential government or of popular law-making, as these are established in the United States, must be previously apprehended, or the student is not ready for the sharp contrasts presented by British institutions. In the second place, these extracts must be supplemented either by lectures or by the use of standard textbooks on British government. But in regard to the latter it must be emphasized that any work on government, no matter how authoritative, is probably obsolete in certain particulars as soon as it is written and is actually of less interest than, and of inferior authority to, conclusions that may be gained from a study of current issues as they are resolved.

A reason exists, other than the initiation of a proper technique, for making the study of British government a basis of politics for the American student. The source of his own institutions and law are largely in England, but they go back some hundreds of years to a point whence, although both peoples have continued to hold to certain common legal and moral views, marked divergence took place between the forms

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of government in England and America. The progress of modern constitutional organization in Europe has proceeded largely from the influence of England, and by attempts at a more or less close imitation of English institutions. Although the results are far from exact patterns of the models chosen, if a clear understanding of British government is gained, government in continental Europe may be more easily mastered.

And, finally, the study of comparative politics may properly begin with Great Britain because that country, itself, is the greatest existing school of politics. In a true sense Westminster is the political center of the world. Beyond the case in other countries, in England politics is the national absorption and commands higher intelligence and more sustained interest.

The working of the method introduced by this book can only be determined by trial, but the authors have confidence that it corresponds to a practical and inquisitive character of mind that is no less marked in American students than in the growing body of distinguished teachers who are making the development of political forms and forces their chief concern.

British Politics in Transition

CHAPTER I

THE MONARCH

GREAT BRITAIN, although officially described as a monarchy, is in fact a republic like the United States or France. Once possessed of sovereign power, the monarch has gradually and in the course of a long evolution been deprived of it; and while retained as the titular and ceremonial head of the state — a sort of Merovingian *roi-fainéant* — he has been supplanted by his Mayor of the Palace, the Prime Minister, who rules the country nowadays subject to control by the House of the Commons and the electorate. In his relations with the Prime Minister and leading members of the cabinet he may still, it is true, wield a considerable influence in public affairs, but the exercise of that influence (as shown below) is jealously scrutinized by Parliament and by the press.¹ Under the circumstances, there is no wish, even in the ranks of the Labor party, to abolish the royal office; its

¹ During the reign of King Edward VII it was sometimes assumed that he exerted more personal authority in the government than correct constitutional principles would warrant. How unfounded that assumption was, Sir Sidney Lee has shown in his life of the king, contributed to the *Dictionary of National Biography* (Second Supplement, Vol. I, pages 546-610). The same author is now preparing a more extended biography. The first volume, which comes down to the accession of the king, appeared in 1925 (Macmillan).

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utility, both as a restraint upon the excesses of party spirit in home politics and as a symbol of imperial unity in the overseas Dominions, is manifest.

EXTRACT I. KING GEORGE AND THE IRISH CRISIS OF JULY, 1914

*A. Proposed Conference at Buckingham Palace: Statement in the House of Commons*¹

The Prime Minister: By the indulgence of the House, before we proceed to the ordinary Orders of the day, I should like to be permitted to make a very brief statement.

I am authorized by the King to announce to the House that in view of the grave situation which has arisen he has thought it right to summon representatives of parties, both British and Irish, to a Conference at Buckingham Palace, with the object of discussing outstanding issues in relation to the problem of Irish government. Invitations have been issued by His Majesty to, and have been accepted by, two representatives of the Opposition, two representatives of the Ulster Unionist Party, two representatives of the Irish Nationalist party, and two of His Majesty's Government. I am glad to add that at the King's suggestion Mr. Speaker has consented to preside over the Conference, which I hope may begin its proceedings tomorrow. In the meantime we shall not proceed today with the Second Reading of the Irish Amending Bill, but ask the House to deal with other Orders which appear upon the Paper.

Mr. Bonar Law: In view of the announcement which has just been made by the Prime Minister, I think that at this stage it is neither necessary nor desirable that I should say more than that we have loyally accepted the invitation of His Majesty — the command of His Majesty — to attend the Conference tomorrow.

Mr. John Redmond: Perhaps I may be allowed just to say one word. I would like to say that my colleagues and myself have no responsibility for the policy of the calling of this Convention, and I do not think that I am called upon to express any opinion as to whether in the result it will prove useful or the contrary. The invitations to attend this Conference came to my honourable Friend the member for East Mayo (Mr. Dillon) and myself in the form of a command of the King, and as such, of course, we at once accepted it.

Sir Henry Dalziel: Can the right hon. Gentleman the Prime Minister offer any explanation as to why it is that information in regard to the announcement which has just been made was com-

¹ *Parliamentary Debates*, Vol. LXV (1914), column 69, July 20, 1914.

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municated only to a portion of this morning's Press, and whether it is the case that the parties to it were asked to treat the matter as secret?

The Prime Minister: I very much regret — I do not know how it was — that there should have been any anticipation of the announcement which this House had first title to hear. All I can say is that neither I nor any one for whom I have any responsibility made any communication of any sort or kind.

Mr. Ginnell: Will you allow me as an independent Irish Nationalist —

Mr. Speaker: There is no motion before the House, but if the hon. Gentleman wishes to ask a question he can do so.

Mr. Ginnell: Will you say it is a point of Order? I wish to know why I am not allowed to utter a sentence like other hon. Members on this important occasion for my country?

Mr. Speaker: The right hon. and the hon. Members who spoke represented considerable sections of the House, and are parties to the Conference.

Mr. Ginnell: You in that Chair are not supposed to know about that. I shall not detain the House long if you will allow me —

Mr. Speaker: I cannot do so, because there is no Motion before the House to be debated, but, as I say, if the hon. Member wishes to ask a question of the Prime Minister, of course he can do so. Now —

Mr. Ginnell: I beg to ask the Prime Minister what precedent he has and what authority he has to advise the King to place himself at the head of a conspiracy to defeat the decision of this House?

Mr. Speaker: Members desiring to take their seats will please come to the table.

*B. Discussion on the Conference in the House of Lords*¹

Lord Courtney of Penwith: My Lords, before your Lordships take up the important business which is down for discussion to-day, I wish to ask two questions of my noble friend the Leader of the House with reference to a matter of extreme importance which has arisen only to-day. I do not ask the Questions with the desire to initiate a discussion; on the contrary, I rather hope there will be no discussion on the general policy of the step which has been announced to us. But there are two considerations in connection with it to which I desire to call my noble friend's attention, and with respect to which I should like to be relieved by his assurances. The first is the question of the responsibility of His Majesty's Ministers for the step

¹ *Parliamentary Debates (Lords)*, Vol. XVII, columns 22-24, July 20, 1914.

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which has been taken in calling together the Conference which is to assemble tomorrow. The announcement of this consultative body was made in two or three organs of the Press — I saw it myself in *The Times* — but not generally made this morning; and, of course, it was made with no real authority as to the conditions on which the consultation was summoned.

I have been told that in another place a statement has been made by the Prime Minister, but this House has no official knowledge of what has been said there. I understand that the Prime Minister was silent on the question of Ministerial responsibility for the step which has been taken. His Majesty has commanded certain persons to attend to consider certain questions to be put before them. Nothing was said of the concurrence or the advice of His Majesty's Ministers in respect of the step so taken. I think it will be generally conceded that no act of State of this kind could have been taken without not merely the concurrence but without the advice of His Majesty's Ministers. It is not sufficient that His Majesty's Ministers should acquiesce in such a step, and by acceptance of the summons signify approval of the act. It is their act, whoever initiated it, inasmuch as it is an act of the Crown done on their responsibility. I am sure my noble friend will reassure us on that point, and settle this doubt as to the responsibility of His Majesty's Ministers with regard to the step taken.

The next matter on which I should like to be reassured is as to the appointment of this body. I am afraid this step will be viewed by the world at large as something like a supersession of Parliament. Of course, that cannot be. But it is true that it looks a little like a slur on the ability of Parliament at all events to lead to a successful issue the difficulties which have arisen. Seeing how badly some of us here talk occasionally of the House of Commons, and what the estimate of this House is as expressed sometimes in the other House, it is perhaps not surprising that there should get about a notion that Parliament is a body which has lost its efficacy and its powers, and this act of bringing into existence this consultative body may be regarded by the ignorant as a supersession of Parliament itself. I am sure my noble friend will tell me that whatever this body may do is, of course, subject to the limitation that the authority of Parliament remains supreme, and that the last word which will be spoken will be spoken by Parliament. These representative parties interested in the subject under dispute, with Mr. Speaker at their head, will constitute an important and authoritative body, and their conclusions will command the greatest respect and almost demand acceptance. Still, the right of Parliament to re-examine every conclusion arrived at, and, still more, the right of Parliament to pronounce

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a final opinion of its own with respect to the matters deliberated on, must always be reserved. These are the two points which I think it is desirable should be made clear at once. If I am rightly informed, nothing was said on either point elsewhere, and the other House is reduced to that position that it is impossible there to discuss anything. But here we have that liberty, and with a plea for forbearance for exercising that liberty I put my Questions to my noble friend.

The Lord Privy Seal and Secretary of State for India (The Marquess of Crewe): My Lords, I am sure my noble friend behind me will forgive me and I am confident that my action will be approved by the House generally if I only reply in the very briefest terms to the two questions which he has put to me. I entirely agree with him that it cannot be necessary in a matter of this kind to engage in anything like a general debate on these two points which my noble friend, as a faithful guardian of constitutional practice, desires to bring before our notice. As regards his first Question I can say simply that there has been no abrogation whatever of Ministerial responsibility and no departure whatever from constitutional practice, in the circumstances in which His Majesty has summoned representatives of various parties and interests to meet and consider these supremely important questions. And on my noble friend's second Question, I can assure him with equal confidence that there has not been, and, as he himself admitted, cannot be, any intention to supersede the authority of Parliament in this matter, and no such result can conceivably follow. The noble Marquess opposite (Lord Lansdowne) will remember the former constitutional conference in which he and I were both concerned. It was then, I think, equally understood and made clear in that case, too, that there could be no suggestion that those who took part in it claimed any rights or made any pretensions contrary to the supreme authority of Parliament. Precisely the same, no doubt, will be the case in this instance; and I hope, therefore, that the short answer which I have given to my noble friend will be completely reassuring.

C. "*The King and the Crisis*"¹

The new Conference project announced by the Prime Minister yesterday would have been more auspiciously launched and more unreservedly welcomed had the announcement not been anticipated by a leakage to certain Unionist newspapers. As the secret had been communicated to nobody but those immediately concerned, and as the Prime Minister, in reply to a question, denied all leakage from

¹ Leading article in the *Daily Chronicle* (Liberal), July 21, 1914.

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the Government side, it follows (since the Nationalists, at least, cannot be suspected of giving secrets to the Unionist Press) that this strange breach of personal confidence and public decency was committed either by Mr. Bonar Law himself or by one of his immediate colleagues. Since Mr. Law's promotion to the Unionist leadership we have had so many infringements of what had previously, as between gentlemen of the House of Commons, been taken for granted as the code of honour that perhaps one more or less should not surprise us. Nevertheless, it is obvious that such a personal factor must gravely embarrass any delicate negotiation; and that the mutual confidence necessary for success cannot easily grow between parties one of whom starts with such a gratuitous display of bad faith and of incapacity to observe loyally the simplest understanding.

The example of the Conference in 1910 on the Constitutional question discourages us from expecting too much from the present attempt. Although there would certainly be constitutional objections, we are almost sorry that the King is not to preside in person at the sittings, besides convening and (we suppose) formally opening the Conference. His presence and authority would tend to shorten the discussions, and compel all parties to be on their best behaviour. However, the plan of putting the Speaker in the Chair is a good alternative, and constitutes a noteworthy innovation on the procedure followed in 1910. We are not inclined to share the apprehension of those who regard the Conference itself as a dangerous novelty. After all, the conclusions at which its members arrive bind in the first instance only themselves, and the House of Commons will only concur in them so far as its various parties decide to do so. The eight representatives are not plenipotentiaries in the sense that they could, if they liked, sell those whom they represent behind their backs. The principle of democracy is preserved, and the advantages of a round-table are gained. Still, in the circumstances, one can understand the restiveness of those who are left outside the Conference room, and particularly of the Labour party, who (by a mistake, as we think) are to have no representative in it.

The King is, of course, in a very trying position, and it has not been made easier by the frequency with which Opposition controversialists drag him in (much as they drag the Army in) as championing their claims. Only lately we have had him hinted at as advocating the "clean cut" either of all Ulster, which is farcical, or of the six counties, which is glaringly unjust, and would, as we showed yesterday, be the one sure road to "civil war." Until we have some better ground than Unionist title-tattle we shall never credit insinuations charging him with such gross partisanship — partisanship which, if it were revealed to the public as fact and not fable, would go far to

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shake the Monarchy. At present there is no evidence that he has held any but a constitutional course; and it is obvious that in acting as convener of the present Conference he favors no particular party, but merely puts himself forward as a rallying point for the reconciliation of all. While that is so, he is entitled to the hearty and loyal support of his subjects in the discharge of his delicate tasks; and save from those Unionists who would jeopardize the Crown or any other institution if only they could turn it to party profit, he has received such support throughout. It is his great advantage to remain above party ties; and there is not more genuine disloyalty than that which for its selfish ends tries to filch this advantage from him.

*D. The King's Speech at the Opening of the Conference*¹

Gentlemen: It is with feelings of satisfaction and hopefulness that I receive you here to-day, and I thank you for the manner in which you have responded to my summons. It is also a matter of congratulation that the Speaker has consented to preside over your meetings.

My intervention at this moment may be regarded as a new departure. But the exceptional circumstances under which you are brought together justify my action.

For months we have watched with deep misgiving the course of events in Ireland. The trend has been surely and steadily towards an appeal to force, and to-day the cry of civil war has been on the lips of the most responsible and sober-minded of my people.

We have in the past endeavoured to act as a civilising example to the world, and to me it is unthinkable, as it must be to you, that we should be brought to the brink of fratricidal strife upon issues apparently so capable of adjustment as those you are now asked to consider, if handled in a spirit of generous compromise.

My apprehension in contemplating such a dire calamity is intensified by my feelings of attachment to Ireland, and of sympathy for her people, who have always welcomed me with warm-hearted affection.

Gentlemen, you represent, in one form or another, the vast majority of my subjects at home. You also have a deep interest in my Dominions overseas, who are scarcely less concerned in a prompt and friendly settlement of this question.

I regard you, then, in this matter as trustees for the honour and peace of all.

Your responsibilities are indeed great. The time is short. You will, I know, employ it to the fullest advantage and be patient,

¹ Daily papers of July 22, 1914.

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earnest, and conciliatory, in view of the magnitude of the interests at stake.

I pray that God in His infinite wisdom may guide your deliberations so that they may result in the joy of peace and honourable settlement.

*E. Attitude of the Radical Press towards the Conference and the King's Speech*¹

The origin of the vagaries of the Radical Press this week may be discerned in their issues of Monday morning. The *Daily News and Leader* may be taken as a fair sample. It published in the most prominent position an article taken from a weekly journal, the object of which was to show that there was no likelihood of civil war in Ulster. In its leading columns it committed itself to the following remarkable statement:

It is difficult to detect in the alarums and excursions of the week-end any cause for any sort of excitement.

No doubt it was — for the *Daily News and Leader* went on to scout all rumors of impending developments, and declared that the dangerous and pernicious business of chattering about them should be left to orators of Tory club smoking-rooms.

On Tuesday the Lobby Correspondent of the *Daily News and Leader* committed himself to the following entirely unwarranted statement:

It is stated by those who have the best means of knowing the King's mind that he now intends to withhold his assent from the Home Rule Bill unless an Amending Bill is presented to him along with it.

While the Parliamentary correspondent of the same paper evolved the following picture of a purely imaginary scene:

The Speaker waited. There was a silence of profound historical meaning. No one — not even Mr. Ginnell — rose to put the fundamental question — how stand our Liberties? Is it true that courtly men — secretaries and the usual type — are openly seeking to revive the veto of the Crown, which the Prime Minister declares to be as dead as Queen Anne? Is it true that the Army and the Navy, working through backstairs cabals, have ordained the destruction of the Parliament Act? Is it true that Parliament, meaning the Commons, is to be dissolved — its task unfinished — by cabals working through threats of violence against the

¹ London Times, July 23, 1914.

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peace of the realm? There were few members who, at a quarter to four, had not these grave things in mind. Scores leant forward and waited. But there was utter silence. Orders of the day were called. The House emptied, not turbulently, not gaily, but as if that silence had been a supreme occasion, which, in all truth, it was.

Yesterday, also, the entire Radical Press violently attacked the King for a speech which we now know was shown to Mr. Asquith the day before, and for which Mr. Asquith took entire responsibility. It must have been obvious to everybody except Radical journalists that His Majesty would follow the strictly constitutional course in this matter. Yet the contrary was assumed and the *Daily Chronicle* in big type spoke of "The King's Amazing Speech," while the following were among the allusions made to it:

Daily News and Leader (Lobby Correspondent): It is understood that the King is the author of the speech, and not the Ministry.

Daily Chronicle: We welcomed yesterday His Majesty's initiative in calling a conference, and earnestly deprecated all such imputations of partisanship against him as have been inevitably suggested by the persistent Unionist attempts to treat him as part of the Unionist stage-properties. But loyally anxious as we are to defend him against other people's phrases, we cannot save him from his own. His speech yesterday at Buckingham Palace was, to say the least of it, extraordinarily ill-inspired.

Manchester Guardian: The whole tenor of the speech, as well as the circumstances under which it was delivered, would seem to mark it off as a personal act of the King. No doubt the King has not written and delivered it without consultation. But with whom has he consulted, and what is the kind of inspiration — not on this occasion that of his constitutional advisers — which breathes through the document, and what are the real motive forces at the back of it? . . . But there are expressions and implications running through the speech which are by no means neutral, which are essentially disputable and, as many people will think, unfortunate and mistaken. . . . Really we are glad that Mr. Asquith and the Cabinet are not responsible for these expressions. No doubt they explain a good deal. They explain, among other things, why the King has thought it to be consistent with constitutional propriety and with his dignity as Sovereign to summon to his presence without a word of rebuke and on the same footing as his principal Ministers and the leaders of the Opposition the ringleaders in this particular conspiracy. . . . Could any stronger proof be needed of the wisdom of the constitutional maxim that the King's words and the King's acts are the words

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and acts of his Ministers? Yet here we are in the presence of what looks like a complete and deliberate infraction of that wholesome rule.

Westminster Gazette: Then comes the new departure of a King's Speech issued to the public, which cannot, if we may judge from internal evidence, have received the *imprimatur* of the Government. We hope we shall not be thought hypercritical if we say that these events confirm the wisdom of our forbears when they held rigidly to the constitutional forms and sought to keep an atmosphere of reserve and even of mystery about the personal proceedings of the Sovereign.

The Star: What does the King mean by that extraordinary phrase — "the cry of civil war is on the lips of the most responsible and sober-minded of my people?" He can only mean that it is on the lips of the Unionist Party, and that in the opinion of the King the Unionist Party are "the most responsible" and "most sober-minded" of "his people." The "cry of civil war" is not on the lips of his Majesty's Ministers, who are assuredly "the most responsible" of his Majesty's people.

To these extracts may be added the following observations of Mr. Ramsay MacDonald:

It is a most extraordinary speech and makes one rub one's eyes and wonder whether one is dreaming. The King confesses that because he is agitated about the political situation, he takes it upon himself, apparently without the advice of his Ministers, to call a conference of political leaders for the purpose of settling a political difficulty behind the back of members of the House of Commons. The remark about "responsible and sober-minded people" talking about civil war is a statement which might grace the speech of a Unionist candidate for Parliament! If that is not taking sides in a political controversy I do not know what is.

We recommend comparison of these various extracts with the Prime Minister's statement in the House of Commons yesterday, which by its simple fairness covers the Radical Press with confusion.

*F. Questions in the House of Commons*¹

Mr. Newman (Enfield, Opp.) asked the Prime Minister whether the Conference which was now sitting to consider the amendments inserted by the Upper House to the Bill to amend the Government of Ireland Bill had been convened to solely consider the area, if any, to be excluded from the terms of such Bill and the duration of such

¹ *London Times*, July 23, 1914.

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exclusion, or whether the whole policy involved by the abrogation of the Union between Great Britain and Ireland would be included in the subject matter under discussion.

Mr. Asquith: I cannot at present add anything to the statement I made on Monday [July 20].

Mr. Hogge (Edinburgh E., Min.): Can the right hon. gentleman say further why this Conference is meeting at Buckingham Palace and not at the House of Commons?

Mr. Asquith: I cannot discuss these matters. (Cheers.)

Mr. Hogge: Will there be any opportunity for discussing these matters and when will it arise?

Mr. Asquith: Time will show.

Mr. Hogge: On account of the unsatisfactory replies of the Prime Minister I beg to give notice that I will draw attention to this on the adjournment.

Mr. Asquith was understood to say, "I shall not be there."

Mr. King asked the Prime Minister whether he had inquired or would inquire by what channel the information about the Conference which was given to the House on July 20 was previously conveyed to a section of the Press.

Mr. Asquith: I can only refer my hon. friend to what I said on Monday with regard to myself and also to those for whom I am responsible. I do not see my way to make any further inquiry.

Mr. King: In view of the fact that there was a certain strong political coloring in those papers which had the information, is the Prime Minister aware that it has raised a suspicion on certain members taking part in the Conference, and will he not therefore, in loyalty to other members of the Conference, make some inquiries into the matter?

Mr. Asquith: I can speak only for those for whom I am responsible, and as for them I say emphatically we gave no information.

Mr. Ronald M'Neill: Has it occurred to the right hon. gentleman to make inquiries of Lord Murray of Elibank? (Cries of "Oh!"; and a Nationalist member, "Responsible sober-head.")

Mr. Asquith: That has nothing whatever to do with it.

When the questions on the order paper had been disposed of,

Mr. Ponsonby (Stirling Burghs, Min.) rose and said: I wish to ask the Prime Minister whether the King's Speech published last night in the Court Circular was drawn up or published on the advice of his Majesty's Ministers in accordance with custom and precedent. (Cheers.)

Mr. Asquith: The speech delivered by the King was sent to me in the ordinary way by His Majesty the day before and I take the whole responsibility for it. (Loud Opposition cheers.) The King

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left it to the discretion of the Conference to determine whether the speech should be published, and the Conference decided unanimously in favor of publication. (Cheers.)

Lord R. Cecil (Hitchin, Opp.): May I ask whether what has been said in the other House is correct, that the summoning of the Conference was an act taken by his Majesty on the advice of the Prime Minister?

Mr. Asquith: His Majesty the King throughout this matter has followed the strictest constitutional precedent (prolonged Opposition cheers) and has taken no step up to now except in consultation with and on the advice of his Ministers.

*G. Comments of The Morning Post (Conservative)*¹

We turn unwillingly to the unhappy controversy which has raged over the King's interference in the crisis. His Majesty intervened, as we now know, upon the advice of his Ministers, with the patriotic object of averting civil war. Surely if ever intervention were justified it is justified on such an occasion. For his Majesty to draw the reluctant opponents together and to get them round one table is, even if the Conference fails, at least a worthy achievement, and appropriate to the functions of a Constitutional Monarch. Yet the King has been attacked with the most extraordinary ferocity by the Government Press for taking a step which must have had the support of the whole nation. Because the Royal speech expressed the universal foreboding of Civil War his Majesty was attacked on the ground that he was saying something which somehow or other favoured the Unionist cause. That Civil War should be imminent seems a much smaller calamity to our Liberal contemporaries than that it should be mentioned. The King, we say, was bitterly attacked on the ground that, because he saw a danger which Unionists had predicted, he was therefore a friend of the Unionist Party. Unfortunately for this attack upon the King, Mr. Asquith made it clear that his Majesty had acted throughout upon the advice of his Ministers, who had not only seen the "peccant paragraph" beforehand, but had approved of its publication. We ventured to predict that the Government Press would contrive still to attack the King; but they do find it necessary a little to criticise the Government. The *Daily Chronicle*, for instance, remarks that "in the present case the fault was less in the speech than in its publication" — which is, to be sure, a great concession; but as Mr. Asquith and Mr. Lloyd George authorised this publication it is necessary to say that "they acted with a great deal less than that vigilant and efficient exercise

¹ July 24, 1914.

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of judgment which a great party in a crisis is entitled to expect of its leaders." In other words, although the speech might be appropriate enough at the Conference, a party point is missed, and therefore a cardinal sin committed, when it is allowed to be seen by the public. The party fiction is that there is no danger of civil war, and although statesmen may assume among themselves that there is such a danger, it must not be admitted to the vulgar throng. Such are the tactics of a party that believes in democracy! Yet the *Daily Chronicle*, while blaming Mr. Asquith, does not absolve his Majesty: it still speaks of "the King's indiscretion, the responsibility for which is assumed by Mr. Asquith," as if Mr. Asquith had used a polite fiction which a truth-loving Press was at liberty to throw aside. The *Westminster Gazette* with more ingenuity contrives to make a point more subtle and more dangerous. "At all events," it says, "we have gained this from the episode of the Royal Speech — that Unionist newspapers are tumbling over each other this morning in their anxiety to prove it impossible and incredible that the Sovereign could have used a phrase or a word which was not sanctioned by the Prime Minister and the Government. We welcome with unmixed satisfaction these rigid definitions of Constitutional doctrine, and can only express the hope that they will be carefully observed, in practice as well as in theory, from the present time to the end of the controversy." Now it is true that the Unionist Press have rallied to defend the King against an unjust and false charge. Precipitancy in defending our beloved King from an injurious slander is not yet, we hope, an offence. Nor is it an admission. The King has no prerogative to use speech upon his own account to influence a party struggle. But he has other prerogatives which all good Constitutionalists accept, but which Liberals would fain deny. One of these is to appeal from his Ministry to his People, and from his Parliament to his People, if and when his Majesty thinks that Ministry or that Parliament no longer represents the wishes of the nation. We should not so far anticipate controversy as to express an opinion on this weighty matter at the present juncture; but we cannot allow it to be assumed, even by implication, that this prerogative does not exist, that it is not strictly constitutional, and that it may not be used whenever, in the opinion of his Majesty, the nation would desire that it should be used.

*H. What the King Can Do*¹

There has been some wild talk about the powers and possible action of the Crown of late. We have hints of a royal *coup d'état*, and

¹ Sidney Low, in the *Daily Chronicle*, July 24, 1914.

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we have the Labour Party meeting to protest against "undue interference on the part of the Crown," and so forth.

All this is based on a misunderstanding of the real position of the Sovereign. Some people seem to imagine that the King can do nothing to assist a solution of such a crisis as the present; some that he can do everything; some that he can impose a policy upon his Ministers; others that he can only assent blindly to anything they propose. These comments and suggestions are misleading. A king of England is not a despot; but, also, he is not an automaton.

He reigns, however, in a strictly "limited" monarchy, and he exercises the immense legal powers of the prerogative under well-understood and rigorously observed conditions. He is no more above the conventions of the Constitution than he is above the Law; and though he might have a technical right to override the former, he would do so only in deference to some supreme necessity which would justify action normally "unconstitutional."

No lawyer, for instance, would deny his technical right to refuse the royal assent to a Bill sent up for his signature. But it is a right no Sovereign has exercised since the reign of Queen Anne. Professor Lowell, the great American authority on the British Constitution, has pointed out that the royal "veto," though dormant, might conceivably be revived, and that circumstances might occur in which it ought to be revived. But the revival would be on the same plane as the proclamation of martial law: a supersession of ordinary constitutional forms and restraints, to be vindicated, if it can be vindicated, by the paramount obligation of protecting the community against revolution or civil war or foreign conquest, when it has been made clear that such calamities could be averted in no other way. This would be "unconstitutional," though it might be right.

But no question of this sort need be raised at present. In summoning the Buckingham Palace conference the King is acting quite in accordance with the best interpretation of his constitutional functions. A King of England, says Bagehot, while leaving the responsibility of shaping policy to his Prime Minister, has at any rate three rights — the right to be consulted, the right to encourage, the right to warn. If the Minister is determined to follow a certain line, the King, in the ordinary course, will not prevent him, even if he thinks his policy wrong. But he can point out that untoward consequences are likely to ensue, and he will insist that all those consequences shall be considered and discussed. He is not in the least bound to regard a Ministerial measure with impartial detachment if he thinks it may drive certain of his subjects into insurrection or produce other disastrous results. He is entitled, on the contrary, to bring those results emphatically before the minds of his advisers.

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There is something else that he can do, and that is precisely what the world now knows that his Majesty has done. Constitutional law does not recognise the existence of party government. Constitutional practice does; and it is a prime article of our "unwritten" statutes that the King is guided by the advice only of the leaders of the dominant majority in the Commons, so long as that majority endures. But when a dispute occurs between the two parties, which also involves the Houses of Parliament, it is consonant with the spirit of the Constitution for the Sovereign to intervene.

Here is just one of those cases in which the influence of the Crown, with its freedom from all the embarrassing responsibilities of executive power, becomes valuable. When the deadlock threatens to be insoluble, when negotiations between the party leaders have been refused or have proved abortive, the King can express an authoritative wish that they should take counsel together. His position is analogous to that of the President of the Board of Trade in a dispute between labour and capital. The Minister does not take a side in the quarrel; he does not pronounce an opinion on the merits; he only asks that the disputants shall come together and confer freely and fully.

The King, in the present case, is following, with necessary variations, the precedent of Queen Victoria in 1884. The situation then was not altogether unlike that of the present year, though the issues were far less momentous. The Opposition majority in the House of Lords, under Lord Salisbury, declared that they would not pass Mr. Gladstone's Franchise Bill unless it were accompanied by a redistribution of seats. Gladstone persisted in forcing the Bill through the Commons, and sent it up to the Lords at the end of June. The Conservative Peers carried an amendment to include in the Bill a large scheme of redistribution. The Prime Minister then withdrew the Bill, announcing that it would be reintroduced in an autumn session; and preparations were made for a fierce mending-or-ending campaign against the House of Lords. At this point Queen Victoria intervened with a suggestion to the Prime Minister that an understanding might be reached "if the leaders of the parties in both Houses could exchange their views personally," and she wrote to Lord Salisbury in the same sense. As a result there were conferences between the party chiefs, and somewhat prolonged private negotiations took place. Finally, in the late autumn, an agreement was concluded by which the terms of the measures for franchise and redistribution were to be settled by consent, and the two bills introduced and passed side by side. The analogy here with the case of the Home Rule and the Amending Bills is at least not too remote to be encouraging.

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But Queen Victoria in 1884 did not act against the "advice" of her Ministers, nor does King George V. in 1914. Even without Lord Crewe's statement in the House of Lords it would be obvious that the Prime Minister has acquiesced in the conference proposal, and is indeed responsible for it. If he had disapproved of the idea he would have refused to concur in it; if his opinion had been ignored he would have tendered his resignation. Although the "command" is issued in the name of the King, it must be regarded as expressing the policy of the Cabinet, for which they accept responsibility; since it is a fundamental principle that some Minister must be responsible for everything done by the Sovereign in his public and political capacity. The Conference, therefore, is Mr. Asquith's conference as well as the King's. If there should be any untoward results it would be the Minister who would have to answer for advising the King to summon the meeting. If a successful conclusion is reached no one will grudge him a substantial share of the credit. For good or ill the negotiations now proceeding are part of that general policy which is carried out, as all policy is, in the name and under the authority of the Crown but on the volition of administrators, who are accountable to the nation.

This does not alter the fact that King George, as Mr. Gladstone said of Queen Victoria, has brought to bear a "wise, gracious, and steady influence" on a most perilous and involved complication of public affairs. Let us hope that it will fall to Mr. Asquith's lot, as it did to that of his predecessor, to announce a similar satisfactory termination, while paying an equal tribute to the wisdom, patriotism, and good sense of the royal attitude.

EXTRACT II. THE "NORTHCLIFFE INTERVIEW"¹

[This episode, taken from the Unionist party organ, *Gleanings and Memoranda*, suggests something of the danger the King runs of being used by journalists to further the purposes of their propaganda.]

In the *Times* of July 18, 1921, it was recorded that Lord Northcliffe sailed on Saturday (July 16) from Southampton on board the *Aquitania* for his world tour. The following note was added: "Mr. Wickham Steed, the Editor of the *Times*, will accompany Lord Northcliffe as far as Vancouver." Lord Northcliffe and Mr. Wickham Steed arrived in New York on July 24. . . . On July 29 the following appeared in the *Daily Express*:

The *Irish Independent* attributes to the *Daily Mail* the publication of a remarkable despatch from its New York correspondent. The edition of the *Daily Mail* circulated in London does not con-

¹ *Gleanings and Memoranda*, Vol. LIV, 1921, pages 261-264.

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tain any account of the message, which gives a new and startling version of the King's intervention in the interests of Irish peace. According to the correspondent, Lord Northcliffe gave an interview to the *New York Times* and other American newspapers, in the course of which he is reported to have said:

"It is not generally known that under our constitutional form of government the King has still a good deal of power when he chooses to use it. At the last meeting he had with Mr. Lloyd George before leaving for Ireland King George asked him: 'Are you going to shoot all the people in Ireland?'

'No, your Majesty,' the Premier replied.

'Well, then,' said King George, 'you must come to some agreement with them. This thing cannot go on. I cannot have my people killed in this manner.' . . . "

Neither the *Times* nor the London edition of the *Daily Mail* had noted this interview, which appeared, in the form printed above, the Irish edition of the *Daily Mail* for July 25. On the day the extract appeared in the *Daily Express* a complete repudiation was made by the Prime Minister in the House of Commons, Mr. Lloyd George quoting a message from His Majesty. The following is taken from *Hansard*:

Mr. Lloyd George: I would like to make a brief statement. Statements have appeared in certain organs of the Irish and the English Press attributing words of grave consequence to His Majesty the King relating to Irish policy. They appear in the form of an interview which Lord Northcliffe seems to have given in the United States of America, and to have forwarded to his newspapers here for publication. It is quite impossible always to follow these calumnious statements, but here they are of a very categorical character, and attribute very serious statements to the Sovereign. Moreover, they are calculated at the present moment, if believed, to prejudice seriously the chance of an Irish settlement, and they have been circulated very freely, more especially in Ireland. His Majesty has, therefore, authorized me to read to the House of Commons the following statement on his behalf which I have just received:

"His Majesty the King has had his attention directed to certain statements, reporting an interview with Lord Northcliffe, appearing in the *Daily Mail* and reproduced in the *Daily Express* and some of the Irish newspapers. The statements contained in the report are a complete fabrication. No such conversations as those which are alleged took place, nor were any such remarks as those which are alleged made by His Majesty.

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“His Majesty also desires it to be made quite clear, as the contrary is suggested in the interview, that in his speech to the Parliament of Northern Ireland he followed the invariable constitutional practice relating to Speeches from the Throne in Parliament.”

I hope that this announcement may do something to sterilise the effects of the criminal malignity which, for personal ends, is endeavouring to stir up mischief between the Allies and misunderstanding between the British Empire and the United States, and to frustrate the hopes of peace in Ireland. (*House of Commons Debates*, July 29.)

Many explanations followed regarding these statements. Lord Northcliffe cabled from Washington on July 29 to Lord Stamfordham, the King's private secretary, as follows: “Please convey to His Majesty, with my humble duty, my denial of ever having ascribed to His Majesty the words or any such words as were stated by the Prime Minister. I gave no such interview.”

The following reply was sent to Lord Northcliffe by Lord Stamfordham: “Viscount Northcliffe, Washington. I have communicated to the King your message received by me this morning. His Majesty is glad that it confirms the statement made on his authority by the Prime Minister in the House of Commons yesterday. Stamfordham, July 30, 1921.”

. . . A new turn to the affair of the interview was given by the introduction of the name of Mr. Wickham Steed, Editor of the *Times*, who accompanied his chief to America. The interview was not with Lord Northcliffe, but with Mr. Wickham Steed, who has denied its authenticity. . . .

A Reuter telegram was published, which contained answers given by Mr. Wickham Steed regarding the interview. He said, *inter alia*: “Direct statements are attributed to me. I did not make and I could not have made them, because neither Mr. Lloyd George nor the King told me what they said to one another.” He concluded by referring to the “quite informal talk” he had had with a representative of the *New York Times*. . . .

EXTRACT III. THE PREROGATIVE OF DISSOLUTION¹

[In the elections of December, 1923, the Unionist party lost, but no other party gained control of the House of Commons. Before the new Parliament met it was understood that the Baldwin govern-

¹ J. G. Swift MacNeill in the *Manchester Guardian Weekly*, December 28, 1923.

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ment would be driven from office by the combined opposition votes and that Ramsay MacDonald, leader of the Labour party, would become prime minister. If the Liberals then joined the Unionists in voting against MacDonald on any vital issue, would he be forced to resign, giving way to Mr. Asquith at the head of a Liberal government, or could he require the king to consent to a dissolution of the newly-elected House? In such a case must the king accept the advice of his minister?]

Mr. Asquith, in his pronouncement at a meeting of the Liberal members of the House of Commons convened by him on the 18th instant, supplied an answer to the questions, frequently asked in the present political crisis, whether Mr. MacDonald would have a constitutional right to advise the Crown to dissolve Parliament if defeated in the House of Commons after a short tenure of office, and whether the King would be acting in accordance with the spirit of the Constitution in refusing to exercise the prerogative of dissolution when so advised. Mr. Asquith said:

The dissolution of Parliament is in this country one of the prerogatives of the Crown. It is not a mere feudal survival, but it is a part, and I think a useful part, of our constitutional system. It does not mean that the Crown should act arbitrarily and without the advice of responsible Ministers, but it does mean that the Crown is not bound to take the advice of a particular Minister to put its subjects to the tumult and turmoil of a series of general elections so long as it can find other Ministers who are prepared to give it a trial. The notion that a Minister who cannot command a majority in the House of Commons, who is in a minority of 31 per cent — the notion that a Minister in these circumstances is invested with the right to demand a dissolution is as subversive of constitutional usage as it would, in my opinion, be pernicious to the general and paramount interests of the nation at large.

I have stated at length Mr. Asquith's enunciation of the constitutional position in order, by way of poignancy of contrast, to direct attention to the hitherto accepted constitutional doctrine of the exercise of the power of dissolution by the Crown on the advice of the Minister to the Crown, which is thus summed up by Sir William Anson, who was not only a theoretical writer of the highest eminence on the law and custom of the Constitution, but who had also a practical experience of its working for many years as a member for the University of Oxford and a Minister in Conservative Governments. "We may say," writes Sir William Anson, "that the prerogative of dissolution is one *which the King exercises on the advice and at the request of his Ministers, and that this request is not refused.*"

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"It remains," adds Sir William Anson, "to consider when this request may be properly made." Among the instances in which the claim for a dissolution is "properly made," Sir William Anson includes the case of a Minister defeated in the House of Commons on a measure which he believes will be acceptable to the country. He may then appeal to the electors to decide between him and the House of Commons. Sir William Anson recurs in another volume of his monumental work, "The Law and Custom of the Constitution," to the prerogative of dissolution. "It would seem," he writes, "that a dissolution is now invariably granted on the request of the Minister."

The right of the King, by virtue of his prerogative, to refuse a dissolution of Parliament is as unquestionable as his right to dissolve Parliament. But for a dissolution of Parliament effected by the Sovereign *proprio motu*, without the advice or against the advice of his Ministers, we must go back to the reign of William III. So far as I am aware there is no instance since the establishment of Parliamentary government in which the request of a Cabinet for dissolution has been refused, although questions have arisen in comparatively recent times as to whether the Sovereign should grant or refuse a dissolution when asked by his Ministers.

In the "Letters of Queen Victoria," edited by Viscount Esher, the prerogative of dissolution is frequently discussed. The view of a dissolution in the early years of Queen Victoria's reign was that a dissolution of Parliament was not so much an appeal by Ministers to the country for approval of their policy as an appeal by the Sovereign to the country on behalf of the Ministers. In a letter to Lord John Russell in 1846 Queen Victoria says:

As Lord John touches in his letter on the possibility of a dissolution, the Queen thinks it right to put Lord John in possession of her views generally. She considers the power of dissolving Parliament a most valuable and powerful instrument in the hands of the Crown, but one which ought not to be used except in extreme cases and with the certainty of success. To use this instrument and be defeated is a thing most lowering to the Crown and hurtful to the country.

In later years Queen Victoria's views upon a dissolution and the considerations as to its grant or refusal were much modified. When in 1858 Lord Derby, whose ministry was threatened by a vote of censure in the House of Commons, asked the Queen to give him authority to say that, if he was defeated, Parliament would be dissolved, the Queen declined to make this contingent promise, but she consulted Lord Aberdeen confidentially on the point. Sir William Anson thinks Lord Aberdeen's advice very instructive. It certainly

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bears directly on the present situation; and is in conflict with Mr. Asquith's view that a Sovereign can refuse a dissolution of Parliament requested by his Cabinet, in reliance on other advice and free from responsibility. Lord Aberdeen had no doubt of the constitutional right of the Queen to refuse a dissolution to her Ministers on her own responsibility, or, as Mr. Asquith would say, "acting arbitrarily and without advice of responsible Ministers." He points out, however, that if the Cabinet asked for a dissolution as an alternative to resignation, that if the vote of censure had been carried and Lord Derby had then asked the Queen to dissolve, her refusal would have been tantamount to a dismissal and the successors of the Ministry would be responsible for what had taken place and would have to defend it in Parliament. In fact, he says that he never entertained the slightest doubt that if the Minister advised the Queen to dissolve she would, as a matter of course, do so. "This," writes Sir William Anson in 1907, "seems to have been the view of the matter accepted by Queen Victoria in the later years of her reign, and it is of considerable importance in party politics."

The refusal by a Sovereign of the request of his Cabinet to dissolve is, of course, equivalent to the dismissal by the Sovereign of that Cabinet, and is an act whose responsibility falls momentarily on the Sovereign, and which, even when that direct responsibility has been removed, tends to lower the dignity of the Crown, whose wearer should stand aloof from political conflict, and whose attitude as "outward and visible representative of the majesty of the State" should be strictly impersonal.

The temporary advantage gained by respite from "the tumult and turmoil of a series of general elections" would be too dearly purchased by any action of the Crown which might be calculated, whether successful or unsuccessful, to bear the semblance of participation in political warfare, and more especially of hostility, by reason of the novelty of its character, to a new party in the State.

Mr. Asquith, who suggests the exercise of the royal prerogative in the refusal of a dissolution by the Crown, for reasons on which such refusal was never before made or even grounded, is in error in thinking that for such action no responsibility would appertain to the King. As I have said, such refusal would be tantamount to the dismissal of Ministers and indistinguishable in its character from the dismissal in 1834 by William IV, on his own initiative, of the Melbourne Administration. Of the responsibility appertaining to that incident Mr. Gladstone writes: "The whole power of the State periodically returns into the royal hands when a Ministry is changed." Again, "there is one great and critical act, the responsibility for which falls, momentarily or provisionally, on the Sovereign. It is the

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dismissal of an existing Ministry and the appointment of a new one. William IV in 1834 dismissed the Government of Lord Melbourne, but the royal responsibility, according to the doctrine of our Constitution, was completely taken over by Sir Robert Peel as the person who consented at the call of the King to take Lord Melbourne's office."

EXTRACT IV. A SOCIALIST VIEW OF THE MONARCHY¹

. . . With regard to our own problems, no one has yet been able to suggest any practicable way in which the congeries of races, religions and civilisations that we call the British Empire could either do without a titular head, or obtain one by popular election among 400 millions of people. The solution of the problem presented by (a) the restriction of the monarch to ceremonial duties; (b) the deliberate selection of a particular family, having no pretence to "Divine Right" or hereditary title; (c) the placing of the title to kingship entirely in a statute, which can be amended or repealed with no more formalities than any other Act of Parliament; and (d) the training of the heir apparent under the direction of the Cabinet responsible to Parliament, seems to have many political advantages. Its social disadvantages of (a) an intensification of the snobbishness to which the British are prone; (b) the influence of certain archaic conventions relating to intercourse with "royalty" in maintaining an inequality of manners between human beings — which is only another name for bad manners — together with a servility offensive to the well-bred; (c) the special association of the prestige of the Court with persons of title or wealth, including even persons of no occupation, as forming a superior class, instead of with persons of distinction in any vocation; and particularly the social pre-eminence accorded to the "profession of arms" over occupations more conspicuously useful to the community, may or may not be promptly remediable in a predominantly Socialist Commonwealth. But unless "the Court" can acquire better manners, and a new sense of social values, it may be expected that the institution of monarchy, whatever its political advantages, will become unpopular; and in that case it might very quickly disappear, probably by the voluntary resignation of the holder of the office for the time being, and the repeal of the Act of Settlement by common consent. Resort might then be had to the next-best expedient — possibly election of a supreme cere-

¹ Sidney and Beatrice Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (Longmans, Green & Co., 1920), page 109. Mr. Webb, Chairman of the Labor party, entered the MacDonald Cabinet in January, 1924, as President of the Board of Trade.

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monial officer for a term of years by the Imperial Conference representing, by that time, all the communities in the Commonwealth.

EXTRACT V. THE ATTITUDE OF A TRADE UNION LEADER¹

There can be no question among thoughtful people that the monarchy plays a large part in holding the British Empire together; loyalty to the King, both at home and in the Dominions, is more a religious than a political attitude, and it would require a very unwise monarch to change this faith in the hearts of the people.

Our present King has proved himself, during many political crises, to be an essentially constitutional monarch, and I have no hesitation in saying that while such an attitude is adopted by the King, the question of Republic versus Monarchy will not arise.

If any evidence of this were required, it could be found in the unique position occupied by the heir to the Throne — the Prince of Wales — during his tour of the Empire. It would be true to say that there has been no factor which has contributed more to the unity of the Empire than the Prince of Wales's visit to the Dominions, and this, let it be noted, immediately following the great war, which very naturally left considerable suffering and disappointment in many lands.

I have met many people who were present at some of the colonial receptions to the Prince, and the universal opinion is that he has, by his clean bearing and unassuming manner, won the hearts of all. Not only has the Prince been a unifying factor to the Empire as a whole, but he has made himself more popular than ever at home.

In many respects the workers are even more conservative than the Conservatives, and in none are their views more steadfastly established than on this question of the head of the State; and, notwithstanding heated controversies on almost every subject under the sun, no question of Republicanism as a serious proposition ever finds a place in Labour discussions.

I would say, therefore, that while the King recognises, as he does, that the navy of to-day may be the Prime Minister of to-morrow, and that no question either of birth or social power is involved in the occupancy of high offices of State, the least of all the difficulties facing a Labour Government would be that of the Crown.

It is very easy to be misled by definitions, and nothing could be more false than an assertion that Republicanism is necessarily syn-

¹ J. H. Thomas, *When Labor Rules* (Harcourt, Brace & Co., 1920), pages 45-47. Mr. Thomas, the General Secretary of the National Union of Railwaymen, may be taken as representing the more conservative element in the Labor party. In January, 1924, he became Colonial Secretary in the MacDonald Cabinet.

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onymous with democracy. Take, for example, America. All the evidence goes to show that the American Republic can be, and, indeed, has been, more autocratic than our own monarchical government would dare to be, and in time of war the power of the American Republic has amounted almost to a danger to its people.

Whilst, however, Labour recognises the wisdom of having an hereditary monarch, it is not prepared for a moment to countenance an hereditary upper chamber, and there is obviously nothing contradictory in this attitude.

A king, whilst possessing hereditary privileges, also has hereditary duties, and if he fails to perform them he can be brought to book. The responsibilities of a king cannot be burked without serious consequences, but a peer may be as irresponsible as he pleases, and whilst he himself may not suffer, the chances are that everyone else will.

A king of England to-day holds a skilled and responsible position, and what he may lack in the way of personal endowments is largely compensated for by a strict and severe training; furthermore, a king is surrounded by skilled and well-qualified advisers.

CHAPTER II

THE CABINET

THE parliamentary system, with the cabinet responsible to the lower house of the legislature, is one of the chief contributions which the English people have made to modern political practice. It has become almost universal; among the great progressive nations only the United States has failed to adopt it. During the war it seemed that the structure of the cabinet and the doctrine under which it operated might be permanently modified (*Extract II*). Just after the war the Machinery of Government Committee reported in favor of substantial modifications (*Extract V*); but ten months later the cabinet reappeared in its old form.

The significant features of cabinet government have been made so familiar in the pages of secondary authorities and remain so nearly as described by them that considerations of space have not permitted the use of the abundant materials which lie at hand. An important departure from time-honored practice, however, will be found in the Re-election of Ministers Act (*Extract VIII*).

EXTRACT I. CABINET DICTATORSHIP¹

[This brief statement explains accurately and comprehensively the position which the Cabinet occupies today — its relations with the House of Commons and the electorate as well as with the civil

¹ Sidney and Beatrice Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (Longmans, Green & Co., 1920), pages 64-71.

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service and the various interests that bring pressure to bear upon the government.]

The House of Commons consists of 707 members representing the United Kingdom,¹ who are, with a few exceptions, elected by single-member constituencies, having populations averaging about 70,000 each. The franchise is practically universal for men over 21, though not yet so for women (who must be over 30, and themselves independent occupiers, or else the wives of electors); women, like men, being eligible for election at 21. Of the functions of the House of Commons the principal is not itself to govern but to create a government, no Cabinet being able to remain in office or to rule without its continued acquiescence. But we must not overstate the freedom of the House of Commons to select its own executive. In this respect it finds itself far more restricted, alike in theory and in practice, than are the Trade Unions, Co-operative Societies, and municipal authorities. The members of a Trade Union or Co-operative Society always elect their committee or executive council, person by person, either by vote of the members or by vote of their elected representative assembly: a municipal council elects its Mayor and its committees as it thinks fit. No such power is enjoyed by the House of Commons. Ostensibly it is the prerogative of the King to send for any one he likes to be his Prime Minister, and to form a new government, when the existing one has forfeited the support of the House of Commons. We may admit that this power of choice by the King is more nominal than real; indeed, the King has almost invariably no choice, seeing that he must take as Premier the statesman who is able to form a government which will in fact be continued in office by a majority of the House of Commons. But it is an incident of this involved procedure that the House of Commons, having got the Prime Minister that it desires, finds itself constrained to accept as Ministers such colleagues as are selected by the Prime Minister, who forms his own judgment of the acceptability of the Cabinet as a whole. The House of Commons cannot exercise any choice in the selection of Ministers, still less assign particular men to particular offices. We need not come to any conclusion here as to whether this delegation to the Premier of the power to choose all departmental heads is a good or a bad device. On the one hand, it is asserted that by this device, and by this device only, can we secure a responsible Cabinet having a common policy by which it stands or falls. On the other hand, the favouritism and

¹ Now 615, since the North of Ireland has, under the Government of Ireland Act of 1920, only 13 members, and the South of Ireland, under the treaty of 1922, no members at all. There were previously 105 Irish members.

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arbitrariness exercised in the selection of men to fill responsible posts, and more especially the defiant disregard of the opinion of the House of Commons in some appointments — a disregard which has latterly gone the length of taking men who are unknown to the public, without experience in governmental administration, and not even Members of Parliament — has brought out the weak points in the system. Still more flagrant is the inability of the House of Commons under this system to get rid of any Minister who proves himself incompetent or who disregards the will of the House.

Owing to the very imperfect procedure of the House of Commons, which does not get mended, and to the failure of the House to organise itself in standing committees responsible for the several branches of its work, the Cabinet, once installed in office, has complete control of the time and business of the assembly. Thus, in practice, though the House of Commons may cause the alteration, and even the abandonment, of measures proposed by the Government, it cannot pass legislation or come to any important decision without the active concurrence of the Ministry. Unlike a municipal council, with its standing committees supervising the day-to-day work of the official staff, the House of Commons finds itself unable to exercise any control over the current administration of the national government, whether at home or abroad; and owing to the traditions of secrecy and the alleged impossibility of divulging present or past dealing with foreign Powers, and past and present communications with the governors of our Dependencies, the House of Commons has practically no power to control foreign and imperial policy, otherwise than by tardy approval or disapproval after the event. The elected representatives of the British Democracy are in fact to-day practically limited to the function of making and unmaking a government and of criticising, obstructing or amending any legislative projects brought forward by the Government, and of offering a belated criticism on any administrative policy which has involved expenditure. So long as the House of Commons does not choose to dismiss the Government and set up another, it has in fact to abide by the collective decisions and individual vagaries of the Cabinet and its members, except in so far as these may be influenced by a general sense of the "feeling of the House."

But are we governed by the twenty or more gentlemen who form the British Cabinet? Is it they who collectively determine how the work of the Government shall actually be carried on? For instance, is it the Cabinet that settles what shall be our foreign relations — shall they make for peace or war — what shall be the spirit and purpose of our rule in India, Ireland and Egypt? Is it the Cabinet that decides whether or not our system of taxation shall tend to

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increase or to decrease the present inequalities of life: what sort of education shall be given to the vast bulk of British citizens; how exactly medical treatment can be so specialised and distributed that it shall actually raise the common standard of health? Is it the Cabinet that decides whether the Post Office shall or shall not become the bank and life assurance office of the poor, and whether unemployment shall be prevented or allowed to occur and then merely relieved? We think that if any ex-Cabinet Minister were to be compelled to tell the truth, the whole truth and nothing but the truth, about his own participation in the gradual shaping of policy on such vital questions during his term of office, he would tell us that he hardly remembered any Cabinet decision being formally taken on general policy, unless legislation of a controversial kind had to be introduced into Parliament, unless some dramatic decision had to be taken, or unless the administration of a particular Department had offended some powerful outside interest or had become a public scandal. Even in his own Department he would plead that, what with the attendance at the House of Commons, periodical appearances in his constituency and on other public platforms, the getting up of the Party's case in some vividly topical controversy, often an issue of little real importance, he had no time or energy left with which to supervise the day-by-day administration of the public service over which he presided. The government of Great Britain is in fact carried on, not by the Cabinet, nor even by the individual Ministers, but by the Civil Service, the Parliamentary Chief of each Department seldom actively intervening, except when the point at issue is likely to become acutely political. It has been the supreme good fortune of Great Britain that she has, during the past century, developed a Civil Service of exceptional capacity and integrity; but, like other men, the Permanent Heads of the several Government Departments desire the amenity of a quiet life and the opportunity for getting through with some measure of efficiency the immense amount of technical detail involved. The easiest way to secure this condition of smooth working is so to transact the Government business that its doings are unnoticed in Parliament, and rarely come up for Cabinet decision. It might almost be said that the supreme test of the perfect efficiency of a Government Department — in the eyes of its Parliamentary Head and of the Cabinet — is that it should never be mentioned either in the House of Commons or in the press. Hence it happens that the special skill in a civil servant which is most appreciated by his Parliamentary Chief and by his colleagues in the Civil Service is not initiative or statesmanship, and not even the capacity to plan and to explain the departmental projects, but either to avoid questions in the House, or, if these are asked, to

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furnish answers which allay without satisfying the curiosity of the enquirers. And in pursuing this ideal of being neither seen nor heard the great civil servant has an excellent justification. He knows by bitter experience that a Member of Parliament, unless he be a man of encyclopædic knowledge and tireless energy, has, owing to the multifarious issues raised in the many departments of national government, neither the capacity nor the opportunity of becoming really conversant with the subjects to be considered. He can cavil, but he can seldom offer useful criticism of a constructive kind. As a matter of fact, the only questions upon which the Member of Parliament becomes even superficially versed are those which are being pushed by some vigorous group of persons outside the House of Commons, sometimes philanthropists, reformers or the adherents of particular religious creeds; sometimes the professional representatives of great capitalists, or of technical or labour organizations. Hence, the able civil servant and the expert Minister are always trying to placate these little groups of outsiders and to make arrangements with those who really understand and are interested in the issues involved in new legislative or administrative work, so as to prevent these issues being raised in Parliament. In short, the real government of Great Britain is nowadays carried on, not in the House of Commons at all, nor even in the Cabinet, but in private conferences between Ministers, with their principal officials, and the representatives of the persons specially affected by any proposed legislation or by any action on the part of the administration. The great mass of government to-day is the work of an able and honest but secretive bureaucracy, tempered by the ever-present apprehension of the revolt of powerful sectional interests, and mitigated by the spasmodic interventions of imperfectly comprehending Ministers.

When we pass from the control exercised over the Civil Service by the Ministers and over the Ministers by the House of Commons, to the control exercised over them all by the electorate itself, without which there can be no true Democracy, we come to a land of still deeper shadow. The House of Commons can at any rate unmake a Cabinet to-day and set up another to-morrow. The Cabinet can maroon a leading civil servant of whose action it disapproves, or transfer him to another Department. But the electorate is bound for five years to put up with the representatives that it has sent to Westminster, whatever may be their action or inaction. And this helplessness on the part of the electorate to control its representative assembly is immensely aggravated by the fact that a Parliament elected predominantly on one issue or group of issues may proceed, and must inevitably proceed, to determine other issues or groups of issues of equal importance to the community — issues which may

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have never even been mentioned in the election manifestos of rival political leaders. For instance, a Parliament elected to carry through a war to a successful conclusion may find itself completely transforming the educational system of the country. Another Parliament elected to reform or abolish the House of Lords may find itself acquiescing in the conclusion by the Cabinet of secret agreements with foreign Powers involving the country in immense financial and military responsibilities, whilst we might see another Parliament elected to nationalise the mines and railways, and to enforce legal minimum wages and maximum prices, confronted with a crisis in the British Empire which would entail a radical change in its constitution, or even its supersession by a League of Nations. The House of Commons, in fact, if it happened not to be resisted either by the King or by the House of Lords, might make itself, or the Cabinet for the time being, the ostensible dictator in home and foreign affairs, leaving to the bureaucracy, in consultation with powerful outside interests, the task of actual management of public business. Already we see it habitually supporting and not controlling the Prime Minister of its choice in carrying on any kind of administration or any kind of foreign or imperial policy. Hence the Cabinet might, under the same conditions, even abolish the British Constitution, restrict the franchise, and sweep away all democratic institutions, including the House of Commons itself. It might set up a new House of Lords with unlimited legal power to thwart a future House of Commons. It might reintroduce industrial conscription, or even chattel slavery, or exterminate by tanks and bombing aeroplanes any recalcitrant mining village or factory population. We have been in the habit of saying that such things "do not happen" in Great Britain. If they did there might be a "revolution" in which even the police and the army would participate. But such a revolution, which might be bloodless, would be effected not by anything that could be termed a political Democracy, as we have defined it; it would be a case of "Direct Action" not contemplated in the British Constitution. It would be civil war.

We pause to recollect how silently, and yet how completely, the British Constitution has been changed by the gradual effacement of the House of Lords, culminating in the Parliament Act of 1911, and by the submergence of the House of Commons in the flood of government activity. In eighteenth-century Britain the Constitution provided for a "balance of power" exercised by different social forces: the power of the Crown and the personal favourites of the monarch for the time being; the power inside Parliament and outside of the great hereditary landlords and of the Church; the power of the county constituencies of freeholders and the independent mem-

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bers whom they sent to Westminster; the power of the Municipal Corporations more or less rooted in vocational associations,* or wielded by their wealthy proprietors. Even after the Reform Act of 1832 the authority of the House of Commons continued to be effectually qualified by the customary influence of the Crown on the one hand, and by the very real concurrent legislative powers of the House of Lords on the other. Moreover, the limited and differentiated franchise of 1832-85, not then exposed to the extreme tendentiousness and suggestiveness of the newspaper press of the present day, habitually produced a House of Commons more heterogeneous in its character, less liable to be chosen on waves of electoral passion, and, in the limited range of subjects to which it commonly restricted itself, less amenable to any other influences than the spontaneous instincts of the electorate of property owners. There was thus, right down to the end of the nineteenth century, a real balance of power between different vested interests and an active control of the executive government by Parliament. To-day practically all the functions of political government and all the powers of the State, enormously widened in penetration and scope, are concentrated in the House of Commons and the executive that it is assumed to create. Further, owing to the obsolete internal machinery of the House of Commons and to the immense variety and complexity of the issues with which it nowadays purports to deal, the power which it is incapable of exercising has been virtually transferred to the Prime Minister and his co-opted group of colleagues in the Cabinet, and by them to the Civil Service acting in conjunction with the powerful outside interests. The result is that, under the guise of government by a majority of the people acting through its elected representatives, we have now the dictatorship of one man, or of a small group of men, exercised through a subservient party majority of more or less tied members, and an obedient official hierarchy of unparalleled magnitude — a dictatorship tempered, on the one hand, by a continual watchfulness against explosions of popular feeling, and on the other by the necessity of privately securing the acquiescence, or at least preventing the revolt, of powerful capitalists or other interests.

EXTRACT II. THE WAR CABINET¹

This paper is intended to supplement an article published in an earlier number of this journal which undertook to give some account of the British war cabinet as an institution of government. The

¹ R. L. Schuyler, *Political Science Quarterly* (published by the Academy of Political Science, Columbia University, New York City), Vol. XXV (1920), pages 77-93. Only a part of the article is given here.

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principal facts presented and conclusions reached in that article were, briefly, these: (1) In place of a cabinet of the old type, of twenty-odd members, most of them busy with the administration of the executive departments of the government, a small war cabinet of five members was instituted in December, 1916, charged with the supreme direction of the war and the determination of governmental policy. Of its members only one was an active administrator, the others being "ministers without portfolio" or holding nominal offices which involved no departmental work. The heads of departments, the active ministers, ceased, under the new system, to be members of the cabinet and were thus free to devote much more of their time and energy than formerly to their administrative duties. In practice the war cabinet system meant a separation of the functions of administration and the determination of policy. (2) With the establishment of the new system that secrecy which had in the past been characteristic of the British cabinet procedure was abandoned. From the outset the war cabinet was equipped with a well organized secretariat, records of its meetings were kept, and a large number of outsiders were summoned to its meetings during the first year of its existence. Early in 1918 it issued an official Report for the Year 1917, which was quite without precedent. Thus the air of mystery which had always surrounded the cabinet was entirely dissipated. (3) In only a purely formal way can it be said that the war cabinet was responsible to the House of Commons. The House played no part in bringing it to power, and it is doubtful if it could have dismissed it. (4) The prime minister ceased, under the new system, to be the leader of the House of Commons, as had invariably been the case in the past when he was not a peer; nor did he regularly attend its debates. His place as leader of the House was taken by the chancellor of the exchequer, a member of the war cabinet, who represented the Government and answered questions addressed to the prime minister. (5) The war cabinet was expanded into an imperial war cabinet by the admission of representatives of the governments of the Dominions and of India. The sittings of this body extended from March to May, 1917. It was a wholly novel institution in British imperial politics and expressed the solidarity of the empire in the crisis of the World War.

Departures from the accepted principles of cabinet government so radical as those involved in the establishment and operation of the war cabinet may properly be spoken of as a revolution. But since cabinet government in England has always rested upon convention, it was possible to effect this revolution without a change in the law. In the words of a careful student of British government during the war, "The existence of the new War Cabinet may be ascribed to the

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decision of Lloyd George, in the process of constituting the new government, and the change was accomplished when the new ministers accepted their posts and Parliament silently acquiesced in the result, announced in the Prime Minister's first speech to the House of Commons."

The war cabinet lasted nearly three years. It was created in December, 1916, and came to an end in October, 1919. During its life time it experienced a number of changes in personnel. Its original members were Lloyd George (First Lord of the Treasury and Prime Minister), Lord Curzon (Lord President of the Council and Leader of the House of Lords), Lord Milner (without portfolio), Bonar Law (Chancellor of the Exchequer and Leader of the House of Commons) and Arthur Henderson (without portfolio). Like the cabinet which it succeeded the war cabinet was a coalition. Lloyd George was a Liberal, Henderson represented the Labor party, and the other members were Unionists. During Mr. Henderson's visit to Russia in the spring of 1917 George Nicoll Barnes sat temporarily with the war cabinet as the representative of the Labor party, withdrawing when Henderson returned. On August 11, in consequence of a speech delivered at a conference of his party, in which he favored the sending of British delegates to an international labor congress to be held at Stockholm, Mr. Henderson resigned, and his place was taken permanently by Mr. Barnes, who was appointed on August 13. In June, 1917, General Smuts, who had been attending meetings of the imperial war cabinet as the representative of South Africa, was invited to join the British War Cabinet and sit with it during his sojourn in the British Isles. The position of General Smuts was peculiarly anomalous. Not only did he hold no ministerial office in the United Kingdom, but he did not, like his colleagues in the war cabinet, have a seat in Parliament. The appointment of a Dominion statesman to the British cabinet naturally gave rise to some comment respecting his status. It is clear that he was regarded by his colleagues as fully a member of the war cabinet, and as such he was appointed to important committees created by it. It was officially stated, however, that he received no salary as a member of the war cabinet, though the hotel expenses of himself and his staff were defrayed by the Government Hospitality Fund. General Smuts continued to serve as a member of the war cabinet until December, 1918. The exacting duties of Mr. Bonar Law as Chancellor of the Exchequer and Leader of the House of Commons made it impossible for him to devote much time to cabinet business. It was announced on July 9, 1917, that he would turn over to a new member of the war cabinet most of the cabinet work which he had previously performed. "He will not, for instance," said the *Times*, "be expected to be in

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regular attendance at future meetings of the Cabinet, and he will be relieved of the vast amount of committee work which falls on a member of the Cabinet. It is probable, too, that he will cease to preside over Cabinet meetings, as has been the custom, when the Prime Minister is discharging public duties elsewhere." It appears, however, that Bonar Law, though relieved of Committee work, continued to attend meetings of the war cabinet at least for some time after this. Sir Edward Carson, whose appointment as one of the original members of the war cabinet had been looked for in well informed quarters, joined it on July 17, 1917, as a minister without portfolio, but resigned on January 21, 1918. As leader of the Ulster party he took the position that the cabinet should be free to discuss important questions of Irish policy without his presence. On April 18, 1918, Lord Milner was appointed Secretary of State for War and at once resigned from the war cabinet. His place was taken by Austen Chamberlain.

Following the General Election of December, 1918, which resulted in an overwhelming majority in the new House of Commons for Lloyd George, the Prime Minister requested the members of his ministry, including his colleagues in the war cabinet, to place their resignations in his hands, preparatory to the reconstruction of the Government. There was a widespread belief that the war cabinet system would be abandoned, but on January 10, 1919, when the formation of the new Coalition Government was officially announced, it was stated that "until there has been more time to make permanent peace arrangements, the existing War Cabinet will be continued." In the new Government the war cabinet was composed of the following members: Lloyd George (First Lord of the Treasury and Prime Minister), Lord Curzon (Lord President of the Council and Leader of the House of Lords), Bonar Law (Lord Privy Seal and Leader of the House of Commons), Austen Chamberlain (Chancellor of the Exchequer) and G. N. Barnes (without portfolio).

The old British cabinet was a secret council. It employed no secretary, kept no official record of its proceedings and admitted no outsiders to its sessions. Its procedure was, indeed, quite unbusinesslike. The war cabinet, on the contrary, set up a well organized secretariat, kept minutes and summoned many outsiders to its meetings. Its published reports, together with certain other authoritative sources of information, make it possible to give some account of its procedure. We have something more substantial to go upon than the rumor and occasional reference in the biographies or memoirs of ex-ministers which used to constitute our "authority" for cabinet procedure.

From the date of its establishment in December, 1916, to the close

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of 1918 the war cabinet held 495 meetings, exclusive of the meetings of the imperial war cabinet, of numerous conferences with representatives of allied governments at which all or most of the members of the war cabinet were present, and of meetings of committees of the war cabinet. During the five months immediately preceding the establishment of the war cabinet, while the Asquith coalition ministry was in existence, only 18 meetings of the full cabinet and 41 meetings of its war committee had been held. Down to the close of 1917 the number of persons, other than members of the war cabinet and its secretariat, who attended its meetings was 248 and in 1918, 278, — many of them attending on several occasions. In addition to heads of departments the war cabinet summoned to its meetings experts in practically every branch of governmental activity.

Meetings began at half past eleven or at noon, and often more than one were held in a day. A member of the war cabinet described the system as that of "a Cabinet in permanent session." Meetings regularly began with the hearing of reports on the military and naval situation by the military, naval and civilian officials most immediately concerned. The First Sea Lord of the Admiralty and the Chief of the Imperial General Staff attended regularly, the civilian heads of the Admiralty and the War Office and the Director of Military Intelligence, frequently. Then as a rule came a discussion of the diplomatic situation, at which the Secretary of State for Foreign Affairs was always present, often attended by his parliamentary under-secretary or the Minister of Blockade and sometimes by experts from his department. The cabinet next proceeded to the agenda of the day. This consisted of a list of topics prepared in advance, subjects being put down by the Prime Minister or any other member of the war cabinet or at the request of any minister. The report of the war cabinet for 1917 gives the following brief description of its procedure:

The method of working the War Cabinet is as follows. At each meeting the Cabinet begins by hearing reports as to the progress of the war since the preceding day. Unless it wishes to confine its deliberations to general questions of policy, it then proceeds to deal with questions awaiting its decision. As these questions in the vast majority of cases affect one or more of the administrative departments, almost all its meetings are attended by the ministers and their chief departmental officials concerned. The majority of the sessions of the War Cabinet consist, therefore, of a series of meetings between the members of the War Cabinet and those responsible for executive action at which questions of policy concerning those departments are discussed and settled. Questions of overlapping or conflict between departments are de-

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terminated and the general lines of policy throughout every branch of the administration co-ordinated so as to form part of a consistent war plan. Ministers have full discretion to bring with them any experts, either from their own departments or from outside, whose advice they consider would be useful.

It is possible that British cabinets have always referred matters for report or for decision to individual members and to committees; we know that extensive use was made of committees by the coalition cabinet of 1915-16. From the outset the war cabinet delegated many questions, sometimes for report and sometimes with powers to decide, to individual members or to committees of ministers or others. Prior to June 19, 1918, no fewer than 92 *ad hoc* committees were appointed to investigate and report upon particular questions or groups of questions. As a rule their recommendations were confirmed by the war cabinet. In course of time a number of permanent committees were set up to deal with special classes of questions. This development took place mainly during the second year of the war cabinet's existence.

EXTRACT III. NORTHCLIFFE'S ATTACK ON THE ASQUITH CABINET¹

[This editorial, which appeared in the *Daily Mail* (London) under the title of "The Limpets, a National Danger," indicates the character of the newspaper criticism which contributed to the fall of the first Coalition government.]

A moment in our struggle for existence has now been reached when government by these twenty-three men who can never make up their minds has become a danger to the empire.

The burden of administration in war makes demands on the body and mind which cannot possibly be supported by idle septuagenarians like Mr. Balfour and Lord Lansdowne, or by such a semi-invalid as Lord Grey of Fallodon. One of the wisest and ablest historians of the Napoleonic wars has declared that the age and feeble health of so many of Napoleon's earlier adversaries were the causes of his astounding triumphs. It was not till the young and vigorous men took the field against the Corsican that success came in sight. Canning and the British diplomats of the period of victory were, as we should now say, very young men. Nelson was not 40 when he won his greatest victory. Wellington was only 40 when he began his career of victory in the Peninsula.

With advancing age our Lansdownes and Balfours find it harder

¹ Quoted in the *New York Times*, December 11, 1916.

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and ever harder to make up their minds and to face grave responsibility. The notorious characteristic of our 'Government' of twenty-three is indecision. There are at this moment no fewer than seven questions urgently waiting to be decided. Most of them have been 'under consideration' by the twenty-three for weeks or even months. Energy, promptitude, speed are indispensable for success in war. Time has to-day a surpassing value. But our 'Government,' though it has more than 100 committees endeavoring to make up its mind for it, can never decide. It just waits till the press and the Germans have done something which forces it to decide in a hurry,— and too late.

For nearly two months a quarrel has raged between the Air Board, which the Twenty-three set up in defiance of wiser advice, and the Admiralty — i.e., old Mr. Balfour, advised by Admirals Tudor and Vaughan-Lee. No authority but that of the 'Government' can settle which of these two bodies is in the wrong. Until that point is settled the whole air program for the army is held up and delayed. Sir Douglas Haig is waiting for powerful machines in abundant numbers to meet the new German aeroplanes. But the 'Government' delays and hesitates, judging the question only from the political standpoint. If it decides for the Air Board it will upset Mr. Balfour. If it decides for the Admiralty it will upset Lord Curzon, whose ill-health has robbed him of power of decision. So it does not decide at all in order to keep both Mr. Balfour and Lord Curzon in good humor.

Mr. Balfour's Admiralty Board has failed to make good his indecent Mansion House boast regarding German raids on the Channel, has failed to cope with the new German submarine campaign on definite and systematic lines, and has failed to arm our merchantmen.

It requires reconstruction from top to bottom. The 'Government,' instead of recognizing the gravity of the situation and the speed with which the rapidly increasing German submarines are sinking merchantmen, allied and neutral, is waiting, like Mr. Micawber, for 'something to turn up.' Fresh changes in the Admiralty are believed to be imminent. Why are they not swiftly made so as to give the country a board of young and vigorous officers? The real food dictator, as Gibson Bowles said yesterday, is the German submarine. Things have come to a pretty pass when, because of the age and indolence of Mr. Balfour, food is soaring to fancy prices.

The supply of recruits to Sir Douglas Haig's magnificent armies on the Somme is a matter of the most urgent need. The Man-Power Distribution Board was set to work in September, and nearly three months have passed without any visible result other than the promise of a debate in the House of Commons next week. Without an assured supply of recruits no General can make plans for his campaign.

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Through the procrastination of Ministers the whole of this Autumn has been thrown away, while the Germans under Hindenburg have been working with might and main.

The 'Government' told us more than a fortnight ago that the appointment of a Food Controller was necessary. It admitted that a scarcity of food (against which *The Daily Mail* has been warning Ministers for more than a year and which it has begged them again and again to prepare for) was certain, and that the most energetic measures were necessary to cope with the danger. But, having said that, these well-paid time-wasters relapsed into their accustomed sloth. The Food Controller is not appointed. No adequate measures have been taken. The talkers are drifting again and discussing seriously such points as the sale of sweets in theatres. It is no wonder that Lancashire people are asking how much longer Lord Derby, with his reputation for robust energy, will continue to associate with these people.

To increase the area of land under wheat it is necessary to offer farmers some guarantee against loss in the shape of a minimum price of wheat. Each year for the last two years the 'Government' has been entreated to give this guarantee. It would have been of inestimable service. There is no possible objection to it. Even the most fanatical of free traders are calling for it. But it is not given. Mr. Runciman and Lord Crawford are mute as oysters, and meantime the weeks when Winter wheat could be sown are nearly gone. Is the nation to starve because Ministers will not decide?

It has been obvious for months that King Constantine was a German puppet and would turn on the Allies when he could. But Lord Grey of Fallodon, being in feeble health — a fact which every one will regret, though it is preposterous that a man in feeble health should be in office in these tremendous days — never grappled resolutely with him in time. Action has been taken at last, six months too late. In May it might have saved Rumania and cut Germany's Balkan artery. Now it achieves nothing and brings a fresh embarrassment.

The 'Government' has promised soldiers the vote, and has done nothing to redeem its promise. It has pretended difficulties when none exist, because its Radical Ministers know perfectly well that the millions of soldiers in the field will vote against their party and for the nation.

The 'Government' has promised to wind up the German banks, but up to date — and this is the twenty-eighth month of the war — not one of them has been closed down. It promised to end the German firms, but until *The Daily Mail* set to work and stirred it up day after day not one single German firm was rooted out.

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The country, despite the fact that it knows very little of the truth, is exasperated by this record, which is by no means complete. In every direction it is the same. But exasperation is not enough. The waste of time, which means waste of life and all that is dearest to us, can only be ended if the nation ends this 'Government.' And it can only bring this dangerous 'Government' down by showing its will very forcibly indeed.

The nation has the gravest grounds for complaint against Mr. Bonar Law. As former leader of the Opposition, he is responsible, by bowing down to Mr. Asquith and accepting office in a Cabinet which contained a multitude of elderly men, some of whom opposed the war, and according to statements of their sympathizers still secretly oppose it, for depriving the nation of the one constitutional safeguard — an alternative Administration. For all the tens of thousands of lives sacrificed, for all the weeks and months thrown away, for all the hundreds of millions wasted by pure indolence, he is responsible in the sight of posterity and of this generation. Messrs. McKenna and Runciman, by their bad example — keeping young men at girls' work in 'Government' offices — are ruining thousands of small businesses owned by older folk who have to go to the trenches, where, by the way, they are not of great use. Mr. Lloyd George alone shows foresight and courage. We, the nation, look to him to end this tragedy, for it is a tragedy that these appalling blunderers should be in control of our affairs at this time.

EXTRACT IV. LLOYD GEORGE ON THE NEW WAR CABINET¹

The fact that this is a different kind of organisation to any that preceded it is not a criticism upon its predecessors — not necessarily. They were peace structures. They were organised for a different purpose and a different condition of things. The kind of craft you have for river or canal traffic is not exactly the kind of vessel you construct for the high seas. I have no doubt that the old Cabinets — I am not referring to the last Cabinet — I am referring to the old system of Cabinets, where the heads of every Department were represented inside the Cabinet — I have no doubt that the old Cabinets were better adapted to navigate the Parliamentary river with its shoals and shifting sands, and perhaps for a cruise in home waters. But a Cabinet of twenty-three is rather top-heavy for a gale. I do not say that this particular craft is best adapted for Parliamentary navigation, but I am convinced it is the best for the War, in which you want quick decision above everything. Look at the

¹ *Parliamentary Debates* (Commons), Vol. LXXXVIII (1916), columns 1340-1344.

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last two and a half years. I am not referring to what has happened in this country. When I say these things I would rather the House of Commons looked at the War as a whole, and took the concern of the Allies as a whole. We are all perfectly certain, and I shall have the assent of my right hon. Friend in this, that the Allies have suffered disaster after disaster through tardiness of decision and action, very largely for reasons I shall give later on. I know in this I am in complete agreement with my right hon. Friend. It is true that in a multitude of counsellors there is wisdom. That was written for Oriental countries in peace times. You cannot run a war with a Sanhedrim. That is the meaning of the Cabinet of five, with one of its members doing sentry duty outside, manning the walls, and defending the Council Chamber against attack while we are trying to do our work inside.

Some concern has been expressed at the relationship of this small executive to other members. It has been suggested there is danger of lack of coördination and common direction. It has been wondered how we can ever meet: one very respectable newspaper suggests there ought to be weekly dinners to discuss matters of common concern. What is the difficulty? Whenever anything concerns a particular Department you follow precedent. This is not the first time you have had heads of Departments outside the Cabinet. As a matter of fact, the practice of putting every head of a Department inside the Cabinet is quite a modern innovation, and the way in which Governments have been in the habit of dealing with that situation is whenever there is anything that concerns a particular Department, the head of that Department, with his officers, attends the executive Committee and you immediately get into contact with each other and discuss those problems which require solution. That is an old practice. I think it is a very effective practice. It is very much better, especially in time of war, than keeping men away from their Departments discussing things which do not directly concern them. But while undoubtedly their counsel may be very valuable, when you have a considerable number of people brought together you are apt to create confusion and thus to delay decision. There is another point of departure and another change, and that is the amalgamation of the old War Committee with the Cabinet. The old War Committee had what the Cabinet had not, it had secretaries to keep a complete record of all decisions, and this no Cabinet has ever had. They were always a question of memory. I do not think my right hon. Friend, or any of his predecessors, ever took a note of the decisions.

Mr. Asquith: Perhaps I may explain. It is desirable there should be no mistake. It is the inflexible unwritten rule of the Cabinet that

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no member shall take any note or record of the proceedings except the Prime Minister, and the Prime Minister does so for the purpose — and it is the only record of the proceedings kept — of sending his letter to the King.

The Prime Minister: That is so. I am obliged to my right hon. Friend. That is the real difference between the War Committee and the Cabinet. In the War Committee a full record was taken of every decision and the minutes were sent round to each member for correction. The matters dealt with there were just as confidential — I might even say more confidential — than the vast majority of questions decided in the Cabinet. Henceforth there will be no distinction between your War Committee and your War Cabinet. The secretary will always be there; we propose to strengthen his staff so that we might have more direct means of communication and a more organised means of communication between the Cabinet and various Departments than you have ever had in the past. I come now to the other point, which has caused some misgiving. There seems to be a little concern lest the new organisation should have the effect of lessening Parliamentary control. I wonder why on earth it would do that. Each Minister answers for his Department exactly in the same way as under the old system. Each Minister is accountable for his Department to Parliament, and the Government as a whole are accountable to Parliament. The control of Parliament as a whole must, and always must, be supreme because it represents the nation. There is not the slightest attempt here to derogate in any particular from the complete control of Parliament. I do not think the present methods of Parliamentary control are efficient, but that is not a change which has come about through the new Administration.

EXTRACT V. PROBLEMS OF CABINET REORGANIZATION ¹

. . . The administrative machinery was beginning to creak ominously even before the war. In particular the mainspring of the whole governmental machine was showing signs — according to the most experienced statesmen — of obsolescence. Thus Lord Lansdowne, speaking of the old Cabinet system in the House of Lords (June 19, 1918), said:

¹ Sir J. A. R. Marriott, in the *Nineteenth Century*, Vol. LXXXVIII (December, 1920), pages 1083–1092. Sir John, who is Honorary Fellow, formerly Fellow and Lecturer, of Worcester College, Oxford, served as M.P. for Oxford, 1917–1922. He has written various books on political and historical subjects, including *England since Waterloo* and *English Political Institutions*. The report of the Machinery of Government Committee (Cmd. 9230), to which he refers in his article, was issued in 1918.

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I think the trouble really arose from the rapid increase in the number of the members of the Cabinet. It became an unwieldy body. . . . If only a few of them took part, the Cabinet ceased to be representative. If many of them took part, the proceedings tended to become prolix and interminable, and it is a matter of common knowledge that reasons of that kind led to the practice of transacting a good deal of the more important work of the Government through the agency of an informal inner Cabinet.

Lord Curzon, in the same debate, expressed a similar view with even greater emphasis:

I do not think (he said) anybody will deny that the old Cabinet system had irretrievably broken down both as a war machine and as a peace machine.

There was no order of business; no agenda; no record of decisions arrived at:

The Cabinet often had the very haziest notion as to what its decisions were; and I appeal not only to my own experience but to the experience of every Cabinet Minister who sits in this House, and to the records contained in the Memoirs of half a dozen Prime Ministers in the past, that cases frequently arose when the matter was left so much in doubt that a Minister went away and acted upon what he thought was a decision which subsequently turned out to be no decision at all, or was repudiated by his colleagues. . . . Ministers found the utmost difficulty in securing decisions because the Cabinet was always congested with business.

Critical of the system, or lack of system, in the past, Lord Curzon ventured upon a prediction as to the future:

I think (he said) that you will find the Cabinets in the future will all be subject to a great reduction of numbers from the old and ever-swollen total to which reference has been made. I do not think we shall ever have a Cabinet of twenty-two or twenty-three Ministers again. Secondly, I think the presence of other Ministers than Cabinet Ministers at the discussions will also become an inevitable feature of future Cabinet procedure. Thirdly, the preparation of an agenda in order that we may know in advance what we are going to discuss is an inevitable and essential feature of business-like procedure in any Assembly in the world. Fourthly, I doubt whether it will be possible to dispense with the assistance of a Secretary in future. Fifthly, I think that a record and minutes of the proceedings will have to be kept; and, lastly, I hope for a

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very considerable development of the system of devolution and decentralisation of Government work which I have described.

Lord Curzon's confident forecast was based upon eighteen months' experience of the experiment initiated by Mr. Lloyd George in December, 1916. Mr. Lloyd George, it will be remembered, had replaced the Sanhedrim (to use his own description) by a small War Cabinet consisting at first of five and later of six members. Of these, one only, the Chancellor of the Exchequer, was head of a Department, and so long as Mr. Bonar Law held the office he combined it with the leadership of the House of Commons. His four (or five) colleagues were free, or were intended to be free, to devote themselves to the supreme direction of the war.

Outside the War Cabinet was a body of Ministers who, like the Secretaries of State and the Presidents of important administrative Boards, would in ordinary circumstances have been members of the Cabinet. The method in which this new and interesting experiment was worked was described in detail in the Report of the War Cabinet for 1917 (the publication of which was in itself an audacious but well-justified innovation). The War Cabinet met almost daily — 300 times during the year; at every meeting it received reports from the Foreign Secretary, the First Sea Lord of the Admiralty, and the Chief of the Imperial General Staff. The Heads of executive or administrative Departments attended only when the affairs of their several Departments were under discussion, when they were entitled to, and did, bring with them 'any experts either from their own departments or outside,' whose advice they considered would be useful; but they were relieved from the constant necessity which rested upon them under the old Cabinet system of considering those wider aspects of public policy which often had nothing to do with their departments but for which they were collectively responsible. (Report, pp. 2, 4.)

Collective responsibility was indeed of the essence of the old system, departmentalism of the new; but contact was maintained and coördination secured through the medium of the War Cabinet.

As a fact, unless current reports were false, much of the time and energy of a Cabinet, whose inception was due to a desire for an effective War Directory, was consumed by the endeavour to reconcile inter-departmental differences and to arrive at decisions on points referred to it by the Departments. That this should have been so was probably inevitable, but that it detracted from the value of the experiment will not be denied, and it may be in part responsible for the fact that in less than twelve months after the signing of the Armistice the old pre-war Cabinet system was virtually restored.

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The Cabinet again consists in the main of Departmental Ministers, its numbers have not been substantially reduced, and the principle of collective responsibility again prevails. Lord Curzon was right in predicting that it would not be found possible to dispense with the assistance of a permanent secretariat, and it may be that in other respects the procedure is less haphazard and unbusinesslike than of yore. In essential principles, however, it remains unchanged. . . .

Meanwhile, save for the multiplication of Ministries and a proportionate increase in the number of placemen in the House of Commons — an increase gravely menacing to the independence of the Legislature — things are very much in statu quo ante December 1916. How long they will remain there no one can foretell. So long ago as July 1917 a committee was appointed by the Minister of Reconstruction

to inquire into the responsibilities of the various Departments of the Central Executive Government, and to advise in what manner the exercise and distribution by the Government of its functions should be improved.

This 'Machinery of Government Committee' consisted of seven members. . . . After eighteen months' work the Committee produced an exhaustive and suggestive essay on the machinery of government, which was duly presented to Parliament and well repays perusal. . . .

The outstanding feature of the Haldane Report [on the Machinery of Government] is the suggestion that the business of the various departments of Government should be distributed as far as possible according to the nature of the service with which they are concerned. Acting on this principle it is proposed that the several branches should deal with I., Finance; II. and III., National Defence and External Affairs; IV., Research and Information; V., Production (including Agriculture, Forestry, and Fisheries), Transport and Commerce; VI., Employment; VII., Supplies; VIII., Education; IX., Health; and X., Justice. In so far as this may be taken to involve a reduction of departments and a simplification of the functions of the State, the suggestion will command general approval, but incipient satisfaction is somewhat discounted both by the caution that some of these branches would 'undoubtedly require more than one Minister,' and by the general tenor of the Report, which appears to contemplate the intrusion of the State into every corner and cranny of social and industrial activity.

Nor does the Haldane Report indicate clearly the relation which the Committee would desire to see established between the Cabinet

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as the Supreme Executive and the Administrative Departments. The main functions of the Cabinet are defined as (a) the final determination of the policy to be submitted to Parliament; (b) the supreme control of the national executive in accordance with the policy prescribed by Parliament; and (c) the continuous coördination and delimitation of the activities of the several Departments of State. From this definition it may perhaps be inferred (as is cautiously hinted in a later passage) that it is contemplated by the Committee that the Cabinet of the future should approximate more nearly to the War Cabinet than to the older type, that its functions should be supervisory and coördinative rather than administrative, and that its members (limited to ten or twelve) should not as a rule act as Political Chiefs of Departments.

For this bifurcation of functions there is something to be said, and in particular this: That Parliament would be able to fix responsibility for the details of administration upon the individual head of a Department, to drive it home and to visit serious blunders with the appropriate punishment, without displacing the Government as a whole. The Select Committee on National Expenditure made an analogous point when they insisted that parliamentary control over expenditure will become a reality 'only when the House of Commons is free, not merely in theory and under forms of the Constitution, but in fact and in custom, to vote, when the occasion requires, upon the strict merit of proposed economies and uncomplicated by any wider issue.' Collective responsibility for policy is surely not inconsistent with individual responsibility for administration. Yet the idea of a divorce between thought and action, between policy and administration, is to the English mind unquestionably repugnant, and the repugnance was bluntly and forcibly expressed by Lord Salisbury in the debate to which reference has already been made:

His (Lord Curzon's) idea of an ideal Cabinet is a number of gentlemen who are not engaged in Departmental work, who sit as judges before whom the various Ministers, or others interested, are called in to plead and to hear decisions by them. That I believe to be a thoroughly bad system. What you want is not to be governed by people who acquire the information they ask for at the moment, but by people who have constant experience in the administration of affairs. Those are, and can only be, the Departmental Ministers who are soaked in the work of their Departments. It is not a question of hearing in ten minutes or a quarter of an hour a case put forward by one man, and the contrary case put forward by another man, and then deciding between them. That is not the method which has prevailed in this country, and which ought to prevail. Our system has been

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that the Ministers who are actually engaged in the conduct of affairs, who have at their command the best talent of any particular subject that the world can provide, who live, and move, and have their being every day in the transaction of a particular subject, should meet together and come to a decision. It is that very point of view of my noble friend, which seems to me to mark the difference between him and ourselves as to what is the proper method of government.

That the machinery of government needs to be very carefully overhauled not less in the interests of efficiency than in those of economy can hardly be denied by any who are conversant with public affairs. Such at least is the conviction of one who for the last four years had been continuously engaged (as a member of the National Expenditure Committee) in a close scrutiny of the work of the State Departments. Charges of gross extravagance are more easily made than sustained, and when levelled at officials (especially the officials of the older Departments) are, in his opinion, not infrequently unjust; not the men but the methods are to blame; but no large economies will ever be effected until the truth is firmly grasped that expenditure is broadly dependent upon policy. If the nation wills the end it must provide the means. To call for the one and grudge the other is merely childish.

Nevertheless, it is a question of supreme moment whether the existing machinery of government is of the pattern best adapted to secure efficiency and economy. No prudent man will answer that question dogmatically. Plainly it is a matter for close and patient scrutiny. Not less obviously is it a matter on which Parliament and the country are entitled to know the considered opinion of those best able to form it — those who are serving or have served in high offices of State.

How far was the experiment embodied in the War Cabinet a success? Were the methods then adopted applicable to times of peace? Ought the Cabinet to confine itself to the formulation of policy and to a general supervision over all the Departments of State, or ought its members themselves to occupy administrative posts? Are the functions of government appropriately and scientifically distributed among the existing departments, or is there a call for redistribution? Should the business of the State be concentrated in fewer (and presumably larger) departments, or should it still further be specialised and sub-divided? These are merely illustrative of the questions suggested by a superficial inspection of the present machinery of government. They ought in the interests of economy and of efficiency to be answered with the least possible delay.

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EXTRACT VI. THE CABINET'S RECORDING MACHINE¹

[In *Extract II* mention has already been made of the secretariat which was attached to the War Cabinet of David Lloyd George. This agency did not disappear with the restoration of the normal cabinet system in October, 1919; its advantages had been so well established as to secure its permanent retention. But in the summer of 1922 the secretariat was attacked in the House of Commons, by Unionists as well as Liberals, because of the portentous growth of its personnel and because of its tendency still further to concentrate power in the hands of the Prime Minister. Upon the fall of the Coalition government in October of that year, Bonar Law, the new premier, announced that important changes would take place.]

A. Following on Mr. Shortt's triumphant vindication came a debate at the same sitting on the Cabinet secretariat, a body now comprising 114 persons (of whom, as Mr. Chamberlain eagerly explained, 14 are charwomen) and now carrying on their work at an annual cost of rather more than £32,000. Instituted by Mr. Lloyd George during the war at the date when he first became the Prime Minister, the secretariat was then generally accepted as a war-time expedient, and has only lately begun to provoke serious criticism as a body which is alleged not only to have outlived its proper functions but to be seeking to justify its continued existence by usurping the duties of other departments, more particularly those of the Foreign Office.

While Mr. Asquith, in supporting a motion by Sir Donald Maclean to reduce the vote by £100, was content to show how much more modest, in comparison with the new system, was the secretarial retinue of former Prime Ministers, some of the Unionist critics of the new secretariat boldly arraigned the Prime Minister for attempting to concentrate power in his own hands and cut the ground from under the Foreign Secretary's feet. This was the substance of an elaborate indictment by Lord Eustace Percy, who evidently spoke from Foreign Office experience, and of a more general attack by Lord Robert Cecil, who at the same time took occasion to complain of the extraordinary growth of secrecy in foreign affairs in recent years.

Both Mr. Chamberlain and Mr. Lloyd George spoke in defence of the new system, but from neither was a very clear idea of the work of the secretariat forthcoming. From Mr. Chamberlain's account of its duties Mr. Asquith was led to the conclusion that it must be a mere conduit-pipe between the various Ministers composing the

¹ A-B: *Manchester Guardian Weekly*, June 16, 1922; C: *Gleanings and Memoranda*, Vol. LIV (December, 1922), pages 516-518.

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Cabinet. "It co-ordinates the meetings of the Cabinet and Cabinet committees and Ministerial conferences, and takes a record of their proceedings," explained Mr. Chamberlain. "It is purely a recording machine," corroborated the Prime Minister, whose insistence on the necessity for some such apparatus merely as a matter of business in these times of strain and pressure drew an expression of sympathy on behalf of Labour from Mr. Adamson.

Other critics protested their inability to understand why a body so limited in its functions should require to be so numerous staffed and so expensively remunerated. Clearly a suspicion persisted that more remained to be revealed than was apparent from the official explanations, and that in its character as a special department for the Prime Minister the new body might tend, as Sir Donald Maclean put it, to turn the British Constitution into an imitation of the Presidential system. Notwithstanding a plea by Mr. Lloyd George on behalf of a change from the old methods under which the world had been carried into war without knowing how near it was to war — an appeal ridiculed by Lord Robert Cecil as entirely irrelevant to the subject under discussion — a considerable number of Ministerialists voted with the Liberals in support of Sir Donald Maclean's motion, which was rejected, however, by 205 votes to 111.

B. Those critics who argue that there is no need for any department like the Cabinet Secretariat seem to us to put a poor case. It is true that England was governed by a long succession of distinguished Prime Ministers without the help of any such mechanism. These statesmen, Mr. Asquith reminded us in Tuesday's debate, wrote a letter to the Sovereign giving an account of each Cabinet meeting, and no other record of its decisions was made or kept. So jealously were the secrecy and the formal informality of the Cabinet meeting preserved that individual Ministers were not allowed to take a note. At the end of a Cabinet meeting it was the custom for the Prime Minister's private secretaries to enter the Cabinet room and destroy all the odds and ends of paper that were left on the table or the floor. Cabinets were summoned in a more or less casual way; no agenda was put before them; each Minister carried away his own impression of the decisions reached. This, it is urged, was good constitutional tradition, and it worked well. Any departure from it brings the risk of concentrating a dangerous power in the hands of the Prime Minister of the day and of the officials who keep the records and represent the collective authority of the Cabinet.

There are here two considerations, and they are the only considerations, we think, that count; for, if such a department is needed at all, it is childish to complain that it costs money. Of the two considerations it is much easier to make up one's mind on the first than

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on the second. The argument from tradition and past practice is, we submit, unsubstantial. Did the old Cabinet practice work well? The outside world gets few glimpses into the way the mind of a Cabinet worked under the old system, but those glimpses are not too reassuring. We remember the crisis that caused the resignation of General Seely in April, 1914, and the revelations to which the resignation led. General Seely added two paragraphs to a statement of great importance which the Cabinet had approved as an answer from the Army Council to General Gough and other officers who had come to London over the Curragh incident. The Government consequently found themselves in a false position, for the two paragraphs had in the circumstances a grave implication. It came out, in the course of the personal explanations that followed, that General Seely had not been present at the discussion and that the only Cabinet colleague whom he consulted had not been present either. That incident of itself is a strong argument for the introduction of some regular procedure for keeping records and giving system to Cabinet proceedings.

There is one very strong argument for the view that this new departure tells on the side of efficiency. In February, 1919, a committee set up by the Ministry of Reconstruction to report on the machinery of government held that this particular feature in the arrangements of the War Cabinet should be made permanent. This Committee contained three members whose opinions on the point were of special value — Lord Haldane, who was chairman; Sir Robert Morant, the most brilliant and enterprising mind at that moment in the Civil Service, and Sir George Murray, whose sympathies as a former Secretary to the Treasury were anchored in tradition.

The other question is much more difficult. The complaint that Cabinet secrets cease to be secrets when they pass into the custody of a department is not very impressive. Ministers are very human people and they talk; they ask advice; they sound their friends; and thus from time to time secrets escape, not exactly into the open air, but into a world that is a good deal larger than the Cabinet. There is no reason to think that this will happen more frequently under the new system. The Prime Minister pointed out with justice that the secrets of the Imperial Defence Committee are more important than most Cabinet secrets and yet nobody minds trusting these secrets to the conscience and the discretion of an official. The argument that it is objectionable for Ministers to have access to the records of the deliberations if their predecessors seems to us to look a little too exclusively at the controversial side of public business, though unprincipled men might no doubt abuse the knowledge so acquired. But there is one argument of weight. There is,

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we think, no doubt that mistakes and confusions which have marked our foreign policy in the last three years have been due to the unusual methods that have been employed, and that in this department of affairs we find an illustration of the disadvantages that result if a Prime Minister takes affairs too often into his own hands.

It is difficult to be certain that this particular danger would not exist, or would be less serious, if there were no secretariat. It arises from temperamental qualities which would find other methods of asserting themselves if the secretariat were not there. But we may expect that this Department, like all others, will tend to encroach and to push its powers, and this tendency will and must be a danger both to the general efficiency of the Civil Service and to the control of Parliament. The Secretariat is a salutary innovation in principle, but these risks undoubtedly lurk behind it. A committee might be set up to examine its relations with other departments, and report on its scope and its methods and on such precautions as official wisdom and experience can suggest. For it is capable at once of great good and of serious mischief, and a vigilant if benevolent eye should be kept upon it.

G. *The Prime Minister (Mr. Bonar Law)*:¹ "In pursuance of this aim I am satisfied that the time has now come when a change should be made in the machinery of the central Government. Some of the work which has hitherto been done by the Cabinet Secretariat is essential and must be continued, but we intend to bring that body in its present form to an end; and I am certain that the necessary work can be continued, and the invaluable services of the present Secretary retained, in connection with the Treasury, which in the past has always been the central department of Government. As an illustration of the changes which we contemplate, instructions have been already given to transfer to the Foreign Office the machinery of the League of Nations, and in the same way to arrange, as regards any future international conferences, that even where it is necessary that I as Prime Minister should be present, the machinery of the conferences and the preliminary work in connection with them will be performed not by the Cabinet Secretariat but by the Foreign Office itself. . . ."

Mr. Bonar Law said that the decision did not mean that everything connected with the Cabinet Secretariat was to go. "We must have an agenda at our meetings, and we must have a definite record of decisions. . . . But there is no need of the big body, which I believe was necessary during the War and immediately after it, but which can come to an end now. I am convinced that the work

¹ Speaking on October 26, 1922.

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can be done quite as efficiently and far more economically by having the Cabinet Secretary, who is also the Secretary of the Committee on Imperial Defence, by having him, and whatever help he needs, treated as part of the Treasury, which is the central Department of the Government. . . ."

In London, Nov. 2, Mr. Bonar Law again referred to the Cabinet Secretariat decision. He said that the change was not made mainly on the grounds of economy, although there would be considerable economy in it. He recalled that the Geddes Committee said that for the work they were called upon to do the Secretariat was not too large, and they had no recommendation to make. "It is not, therefore, on the ground that it has been an extravagant and wasteful department. I have made that change with the approval of my colleagues, because I think now that the whole system ought to be altered if we are to get back to the old customs regarding the essential machinery of government. . . . During the War we set up a War Cabinet. You had to have things centralised. That was right in war, but now we have come back to normal times let us do as the Romans did; let us get back to normal machinery. I will tell you what I mean by that. The late Prime Minister is a man, not only of tremendous energy, but of really surpassing vitality. Whenever any big question emerged, whatever it was, he was expected, and he undertook, to deal with it. That is not my idea. My idea is that of a man at the head of a big business who allows the work to be done by others and gives it general supervision. That is my idea of the work of the Prime Minister."

[In the House of Commons on May 14, 1923, the Chancellor of the Exchequer stated that the staff of the Cabinet secretariat had been reduced to thirty-eight and the annual cost to £15,750. He also stated that the "personal secretariat" of the Prime Minister had a staff of eleven, costing £5283.]

EXTRACT VII. A BREACH OF CABINET SECRECY

[The Cabinet is, as Lord Rosebery said, "a secret council, on the Venetian model, sworn to absolute silence." This silence has been well maintained. During the course of the war, however, confidential transactions more than once reached the ear of the public.]

*A. Debate on the Munitions of War Bill*¹

Sir H. Dalziel: . . . I am not here to lay blame on the Secretary of State for War. When the credit and discredit of the war come

¹ *Parliamentary Debates* (Commons), Vol. LXXII (1915), columns 2092 *et seq.*

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to be summed up it will probably be decided that he did his little bit. He undertook a Herculean task when he undertook to raise the great army of which we are all so proud, and it was impossible to believe that he could have attended personally to all the various departments in connection with the War Office. It was essential that he should delegate part of his responsible work. The Ordnance Department let him down badly. They let the army down and they let the country down at the same time. The person, in my opinion, chiefly responsible for this was Colonel von Donop. The powers he has hitherto exercised should be taken from him and handed over to the new Ministry, and another sphere of labour found for his abilities. The country will be satisfied with nothing less than that this should take place, and if the Government have not the courage to scrap a colonel they have not the nerve to win the war. I am not in possession of Cabinet secrets, but it was announced in the public Press last October that every effort should be made to assure the co-operation of large private firms throughout the country for the production of ammunition — any firms outside the armament ring. Why was this not done last October? Why did it remain undone six months afterwards? Who is responsible? Primarily, the Ordnance Department, next the Minister for War, and, most of all, the Cabinet.

Mr. Lloyd George [Minister of Munitions]: . . . I am not in a position at the present moment to enter into the very grave questions that have been raised by my hon. Friend; they are questions which no doubt will have to be investigated, and the responsibility must be placed on the right shoulders where mistakes have been made; but I do not think an arraignment of that kind can be initiated or prosecuted upon an amendment in Committee upon a Bill. There is no opportunity for those who have been challenged to present their case, and it is obviously fair that they should have full notice of it, and that they should have an opportunity of stating what they have to say in reply.

*B. Speech of Lord Haldane at the National Liberal Club*¹

From a general warning against searching for scape-goats Lord Haldane passed to a defence of General von Donop. "We have not so many first-class men," he said, "that we can afford to throw them away. We must use our best men, and, above all, be careful not to blame the right man because we have used him for the wrong thing." He had read the attacks that had been made on General von Donop. When he was at the War Office he had picked out

¹ *London Times*, July 6, 1913.

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General von Donop as the man who of all our generals stood unrivalled in his technical knowledge, in the directness and firmness of his mind, and in the sanity of his advice. He had no doubt that if General von Donop unfortunately had to go, he would be irreplaceable. He would like to know on what ground it was alleged that he ought to go. In the month of October, while he was still a member of the Cabinet, there was a committee assembled by the Government which included Lord Kitchener, Mr. Lloyd George, Mr. McKenna, and other Cabinet Ministers, and their attention was drawn to the urgent necessity to increase the supply of munitions. The changed conditions had necessitated a very large increase.

"We consulted General von Donop," he continued, "and afterwards we summoned the great munition manufacturers and we placed orders with them which they undertook to carry out, and which if they had been carried out would have placed this country in a position of tremendous advantage, and we should have had a very large surplus. He placed these orders. The munition manufacturers did their best to execute them. But there arose difficulties between labour and capital which confounded all the calculations of the munition manufacturers, and that is the source of the trouble to-day. It is not General von Donop. The industrial conditions in face of such a demand were such that the great munition manufacturers could not complete them, though they did their best.

"I tell you this because I think I should do so in justice to a very distinguished officer, a man who within my own knowledge has immense ability, whose loss I should regard as very serious, and because I think it is right that the public should not allow themselves be drawn away by their craving to look for scape-goats. We are, indeed, an unreflecting nation."

*C. Statement by Mr. Lloyd George*¹

Mr. Lloyd George has authorized the issue of the following statement with reference to Lord Haldane's speech on Monday last:

Lord Haldane's version of what took place some months ago at a Committee of the Cabinet on arms is incomplete and in some material respects inadequate.

At the proper time it will be necessary to go more fully into the matter, though Mr. Lloyd George hopes that he will not be driven to do so at this stage. But he would like to point out that the very fact of this conflict of memory having arisen

¹ *London Times*, July 8, 1915.

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shows the unwisdom of these partial and unauthorized disclosures of highly confidential Committees of the Cabinet.

D. Questions in the House of Commons, July 12, 1915¹

Sir Henry Dalziel asked the Prime Minister (1) whether he would give a day to discuss the causes which are responsible for the shortage of munitions of war; and (2) whether Lord Haldane's disclosures in regard to the proceedings of a confidential committee of the Cabinet were made with his authority?

The Prime Minister (Mr. Asquith): In regard to the inquiries contained in these questions, I am of opinion that it is not in the public interest that I should say more than that there is no public information that I can at this moment properly give, and that I am satisfied that, in existing circumstances, any such discussion as is suggested would serve no good purpose and would be detrimental to the best interests of the nation.

Mr. T. M. Healy: Will the right hon. Gentleman inform the House how the right hon. Gentleman the Member for Kirkcaldy (*Sir H. Dalziel*) comes into possession of information not accessible to all members of the House?

The Prime Minister: I am not sure that is a question that I could in any circumstances answer; certainly not without notice.

Sir A. Markham: Are we to understand from the Prime Minister that all people who fail in their office in the public service are to be still retained in that office, whether efficient or not?

The Prime Minister: The hon. Baronet is to understand nothing of the kind.

Sir A. Markham: That is the effect of it.

The Prime Minister: The hon. Gentleman is to understand what I have said, which is the considered determination of the Government, and which, I believe, accords with the overwhelming sense of this House and of the country.

Sir H. Dalziel: Can the right hon. Gentleman say whether, having regard to the fact that Members of this House are as much interested in the matter raised in my question as the members of the National Liberal Club, he agrees with his colleague that Lord Haldane's statement was inaccurate and incomplete?

The Prime Minister: I have nothing to add to what I have already said.

Mr. Healy: Will the right hon. Gentleman put a stop to the scandal of attacking public men without notice on information which is not available to the whole House?

¹ *Parliamentary Debates (Commons)*, Vol. LXXII (1915), column 643.

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Mr. Lynch: Will the right hon. Gentleman say whether this state of affairs does not imply great incapacity and colossal blunderings in high places, and does not that state of affairs now exist?

Mr. Speaker: This is becoming a debate.

EXTRACT VIII. RE-ELECTION OF MINISTERS ACT (1919)

[The rule, dating back more than two centuries, by which members of the House must submit to a new election upon accepting office in the Ministry, had long been an object of criticism. It created, as Sir William Anson said, "needless and vexatious delay in the conduct of public business." Three times in the course of the war statutes suspended its operation. At last in 1919, by the passage of the Re-election of Ministers Act,¹ a modification of the rule was made under which a member does not vacate his seat if he accepts office "within nine months after the issue of a proclamation summoning a new Parliament." The following speech of Major O'Neill (*Parliamentary Debates*, 1919, Vol. CXII) presents fairly the justification of the new act.]

Major O'Neill: In my opinion the Bill has come out of Committee in an aspect less useful than it was when it was introduced. The main difference between the Bill as it stands now and as it stood when introduced is the fact that whereas originally this Bill was to protect Ministers on accepting an office of profit under the Crown from the necessity of submitting themselves to re-election, with no definite period stated, and therefore to operate during the whole course of Parliament, we have now substituted an Amendment that only for nine months after a General Election is a Minister to be protected in that way. In my opinion that is an Amendment which does not improve the Bill. The Leader of the House remarked in the Committee stage that the feeling of the House on Second Reading was entirely in favour of a time limit. He also stated that there was often a very quiet body of opinion in the House amongst Members who thought that the best way they could help on a Government Bill was by saying nothing about it. That was my own view, and I purposely did not speak on Second Reading for that reason. The original object of this old Statute of Queen Anne was, firstly, to protect the House of Commons from undue influence of the Crown. That, of course, has completely disappeared. We know that the Crown no longer has the power, had it the desire, to interfere with this House in the way in which no doubt it did in the days of Queen Anne. But I think there was another reason for introducing this

¹ 9 George V, Chapter 2.

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provision into the Act of Succession, and that was what may seem an obvious reason perhaps, in order that a man who was going to be paid by the people should submit himself to them to let them see him and see whether they thought he was a man suitable to be paid by them. That also has surely disappeared, because the payment of members has changed the position to the extent that every Member of Parliament is now paid by the people. Consequently it seems to me that that is not a measure with which to-day we are concerned as they were in the old days when this Statute was introduced. The only argument that now remains in favour of this provision in the old Statute is that it is desirable for Ministers periodically to go to the constituencies and to ask their electors whether they approve of them, and, inferentially, whether they approve of the policy of the Government of the day. I agree that that is an argument, but how much really does a by-election reflect the opinion of the country at any particular time? I think it is extremely doubtful as to what extent it does so. We know that there are a hundred and one local issues introduced into by-elections and that people flock to them from all over the country and set up all sorts of questions and bewilder and "flummox" the electors in such a way as that they constantly do not know what they are voting for. But even admitting for the moment that a by-election is an expression of the opinion of the country, then surely in the natural course of events, by deaths of Members and resignations, you have a constant series of them going on during the course of the Parliament. I cannot for the life of me see why you want to add to them, in the way in which the old Statute did, by compelling Ministers upon appointment to an office of profit under the Crown, to go down once again and submit themselves to their constituents.

If you admit the argument that it is desirable at certain periods after the General Election to re-submit the policy of the Government to the constituencies, it seems to me that this is not the proper way to do it. You might introduce the machinery of a referendum in big issues. I heard the speech on the Second Reading from the hon. Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor). He held up his hands in horror at what he called the appalling prospect of the severance of the direct connection between the constituencies and this House which this Bill would bring about, and he declared in favour of a perpetual and constant touch being kept between the electorate and this House. I agree with him, but what would that hon. Member have said in the year 1912 or 1913, when it was proposed that a referendum should be taken upon the question of the Parliament Act and on the question of Home Rule? Would he then have been so keen upon that close and

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direct touch being kept between the constituencies and this House? I very much doubt it. I think there is a lot to be said for a referendum if there is a necessity for submitting questions to the electorate. But I pass that by. There is another alternative, surely. Admit if you like, which I think is very doubtful, that a by-election does give a real expression of the country's opinion, would it not be much better, if you wished Ministers to be subjected to these by-elections, to select certain Ministers, we will say by ballot or in some other way, from among those who have been longest in office to go down to the constituencies at stated intervals and submit themselves for re-election? I say that, because it seems to me, on the face of it, absurd that a man who has just joined the Government, and who is in no way responsible for the policy of the Government, should be the one selected and mulcted in the expenses of an election to test the feeling of the country as regards the policy of the Government to which he never even belonged. I think that would have been a more sensible suggestion, and that immediately introduces the question of expense, which was referred to also by the Leader of the House.

In my opinion, this question of expense is a real question. I did agree with the right hon. Gentleman when he said, "Why should you submit Ministers at the very moment when they first get their appointment to what is the great expense of an election?" "Well," somebody said, "they will recover it in their first year's salary," but sometimes that first year's salary never materialises. The Government may go out of office within a month, and, in my opinion, the question of expense is really a question which does deserve proper consideration; and if you are going to make it necessary for Ministers to seek re-election in this way, then you ought to select those who have been in office longest, and who have got some salary out of which they can pay for their election, and select them if you like by ballot. I merely wish to express my views, and I think that they are the views of a large section of this House. It has not been a vociferous section, but I believe there are a considerable number of Members in this House who wish, as I do, that the Government had not given way in response to a few hon. Members who raised this point on the Second Reading. Then we have heard about the question that this Bill places good men at a discount. Of course it does. We know from the right hon. Gentleman, the Leader of the House himself, that on a certain occasion he might have been a member of the Cabinet had it not been for the fact that his seat was considered an unsafe seat, and, consequently, under this system a Government can only select for rearrangements of its Ministry during the course of Parliament men who have got safe seats. That is putting good

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men absolutely at a discount, and I think it is a most undesirable policy. I happened to be looking the other day at what is, I suppose, the best known and the widest read book upon our constitutional law. I refer to the book of the late Sir William Anson. He deals with this point, and Sir William Anson takes entirely the view that the Government took when they introduced this measure. I have not got his exact words by me, but he said something of this sort. This part of the Act of Succession operates now merely as an inconvenience and a hindrance to public business. I think Sir William Anson was not a man who would have been in favour at all of separating this House from the opinion of the electorate, and yet he takes the view that this Section of this old Statute is nothing but an inconvenience and an anachronism. In my opinion it is an absurd anachronism, and I think it would have been well if this Section of the old Statute of Queen Anne had a long time ago become as dead as is the gracious lady whose name it bears.

EXTRACT IX. LLOYD GEORGE'S DAY

[This passage from Frank Dilnot's *Biographical Sketch of Lloyd George*¹ suggests something of the burden of official duties, which falls upon the Prime Minister]

Awaking at seven in the morning, he has a quick glance through the principal newspapers, not only of London, but those from the provinces and from abroad as well. Occasionally while he is dressing, and always before he leaves his room, he looks through documents and papers which he has brought up to his bedside on the previous night. (They are arranged in their proper order on a table by the side of his bed so that in any waking fit at night he can put his hand on them readily.)

Visitors begin to arrive early, because Lloyd George has re-established the practice of Victorian statesmen in having guests to breakfast with him and his family. By this means he not only saves time from many social functions, but gets through a lot of business as well, for his breakfast guests include politicians, editors, leading officials, prominent travelers from overseas, indeed practically the whole range of persons who for state or private reasons he desires to meet. Soon after ten o'clock he is busy with his secretaries. These have already been at work on the morning letters, which in the days when he was Chancellor of the Exchequer numbered a thousand a day and are now probably three or four times as many. Work of a widely different kind keeps Lloyd George on the go till lunch-time

¹ Harper & Brothers (1923), pages 104-107.

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— departmental conferences, visits from or to Cabinet Ministers, the supervision of answers to questions to be put to him in the House of Commons that afternoon, the reception of deputations from various interests affected by current proposals or future proposals that he is making. At least once a week, and sometimes more frequently, there is a Cabinet meeting in the morning that probably lasts well into the afternoon. On days when there is no Cabinet meeting there will be other visitors at lunch-time, and these are generally of an official character. Big plans affecting the social future of England have undoubtedly been worked out over Lloyd George's lunch-table. He is a vivid talker himself, but he is also a good listener, and there is not anyone more ready to give an ear to tactful and helpful advice — only those who offer it must have something to say.

At a quarter to three in the afternoon the House of Commons assembles, and from that time onward to eleven o'clock at night Lloyd George is to be found either on the Treasury bench or in his private room behind the Speaker's chair. Endless are the occupations for a busy Minister in Parliament, and whether he is answering questions, expounding policy, fighting through details of proposals, or merely listening to the speeches of opponents, he is pretty well on the stretch the whole time. Even in his own room there is business to be done, deputations to be received, "whips" to be consulted, friendly or hostile talks to be gone through with members, and frequently also the reception of individual visitors. All this takes no account of social usages, the little hospitalities which must not be forgotten, — the accompanying of groups of constituents to the public galleries, the entertainment of other groups to tea on the Terrace overlooking the river. Sometimes an hour may be seized for the House of Lords at the other end of the corridor when they are dealing with Commons legislation.

I asked Lloyd George how he managed to sleep after such days as these, and he said: "I never have any difficulty about that. Downing Street is only about four minutes' walk from the House of Commons. If the House adjourns at eleven I am usually away by twenty minutes past, and at a quarter to twelve I am in bed — probably asleep. This power for quick sleep has always been a great help to me."

CHAPTER III

THE CIVIL SERVICE

IT has already been observed in the previous chapter (*Extract I*) that the government of Great Britain is in fact conducted not by the temporary incumbents of Cabinet offices, but by the permanent chiefs of the civil service. The politician has become more and more dependent upon the expert as the complexity and specialization of public business have increased. It is fortunate, therefore, that in the past seventy-five years the civil service has won so high a reputation for integrity and competence. A great deal has depended upon the method of recruitment by competitive examinations; and, as the first two Extracts show, that method is capable of being adjusted and improved. A new problem has appeared in the disposition of civil servants to advance their professional interests by forming associations analogous to trade unions. The remarkable growth of this movement is shown in *Extracts III* and *IV*. It has borne fruit in the setting up of machinery through which government employees are now given a share in shaping the conditions under which they work (*Extract V*).

EXTRACT I. ASPECTS OF THE COMPETITIVE EXAMINATION TEST¹

In Chapter I we have indicated the origin and followed the development of the competitive system of recruitment for the Civil

¹ *Fourth Report of the Royal Commission on the Civil Service*, Cd. 7338 (1914).

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Service. With the progress of this development the efficiency of the Service has grown until at the present time the State possesses a body of public officers who are far more competent and zealous than their predecessors, appointed under the régime of patronage, are stated on official authority to have been. We have no doubt whatever that to this highly satisfactory result the system of competitive examination has mainly contributed. The system has, in our opinion, entirely justified the expectations of its originators. It is true that it has never been and is not now exempt from hostile criticism, and we do not affirm that the written examination is an infallible or a final test of the best results of education. But the defects attaching to the system, which we shall in due place examine, are, perhaps, susceptible of some mitigation. In existing political conditions, and in such developments of them as can be reasonably anticipated, we believe that the advantages of the system of competitive examination as a means of recruitment for the Civil Service far outweigh any defects which have come to our notice, and we are convinced of the importance not only of adhering to the system, but of extending it whenever possible.

Since, then, examination should, in our opinion, play so large a part in the selection of this most important body of officials, it becomes of supreme importance so to order and arrange the schemes and improve the methods of examination as to secure the best results. . . .

[The "Administrative Class," which is recruited by the scheme of examination known as Class I] at the present time comprises about four hundred and fifty individuals, but with respect to the difficult duties which its members are called upon to discharge, and the high offices which the ablest of them are called upon to fill, it constitutes perhaps one of the most important sections of the Civil Service.

The Class I examination is open to all candidates of British nationality between the ages of 22 and 24. The candidates are examined during August in each year in any subjects which they desire to present (subject to the limitation imposed by a fixed maximum of marks) among a prescribed number, which embraces almost all the studies forming the subject of the various honours courses of the Universities of the Kingdom, viz., the leading languages and literatures of the ancient and modern worlds; mathematics; the natural sciences; ancient and modern history and geography; economic and political science; law and philosophy.

Witnesses representing all the Universities of the United Kingdom appeared before us at our request to give us the views of their Universities and their own views on the bearing which the highest

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education has on efficiency in the Civil Service; and particularly on the suitability of the Class I examination for securing candidates giving the greatest promise of administrative capacity. Their evidence is of great interest and importance. The conclusion to be drawn from it is that the best education taken in conjunction with the training and formative influences of University life produces the best type of public servant. This conclusion is confirmed by a consensus of opinion on the part of those witnesses who appeared before us having administrative and ministerial experience, and by some interesting evidence as to the increasing value attached in the commercial world to University training and education.

We accept the conclusion as just in the main. Instances have occurred in the past, and doubtless will occur again, of the recruitment, through the Class I examination, of men who, without the advantage of University training, have proved distinguished public servants. But they are the exceptions. Experience shows that as a rule the best University training ripens natural ability and develops administrative capacity; and it is for this reason that we have urged above that facilities should be provided for the most promising boys of the primary and secondary schools of the country to get to the Universities and enjoy the advantages of their teaching. We cannot too earnestly repeat that it is not by lowering the educational standard of the highest ranks of the Civil Service, but only by enabling the clever sons of poor parents to benefit by University training, and thereby enter the Civil Service, that the interests of democracy and of the public service can and ought to be reconciled. . . .

In regard to the suitability of the present Class I examination, academic opinion was not unanimous. There was, indeed, something approaching agreement in the view that the competitive written examination is the most, if not the only, practicable means of selecting candidates for the situations which we are now considering. But the imperfections of a written examination as a test, not merely of knowledge but also of capacity — of the faculty of sound judgment, common sense, resourcefulness, and resolution — were often insisted upon.

To make good these defects several suggestions have been put before us, to two of which in particular we invite attention, viz., (a) the selection by the authorities of the various universities of honours men, also distinguished for their judgment, good sense, and general capacity in student life, for competition *inter se* for the situations vacant; and (b) the institution of a *viva voce* examination supplementary to the written test, with the object of ascertaining the candidates' general mental calibre, and the possession of those qualities of common sense, sound judgment, resourcefulness, and

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resolution, upon which the written paper rarely gives assurance. The Committee is of the opinion that certain practical difficulties prevent the use of these methods at the present time. . . .

Certain academic witnesses seemed to think that the present syllabus gives undue weight to the studies most commonly followed in the older Universities and that the modern institutions are handicapped by it in the competition. Undoubtedly the most salient fact emerging from an analysis of the academic antecedents of the successful candidates is the great numerical preponderance of those who have been educated at Oxford and Cambridge, especially at Oxford. . . .

[Explanations which have been given] do not in our judgment offer a sufficient reply to the inquiry whether the conditions of the examination, the grouping of the subjects, and the relative values assigned to each group, do or do not give to any subject or course of study an undue advantage in the examination hall. The doubt suggested by the inquiry is reflected in the evidence given before us on behalf of the Belfast and National Universities of Ireland, and of the Liverpool, the Birmingham, the Bristol, the Leeds, and the Manchester Universities in England. It is in our opinion highly undesirable that such an inquiry should remain unanswered. A satisfactory answer to it can only be given in one way, namely, by a full investigation into the facts. We were glad to learn from the Civil Service Commissioners themselves that they concur in the necessity for such an inquiry: and we accordingly recommend the Government to appoint a Committee with the object of ascertaining whether there is any foundation for or reality in the misgiving which certainly prevails in some quarters, that the scheme of examination for the Class I unduly favours the curricula of the older Universities and handicaps those of the newer. On the Committee the Civil Service Commission and both University and School experience should be represented, and it should be presided over by some man of recognised judgment and eminence in public life. Should it be found that any change is desirable, then it would be necessary for the Committee, while maintaining the high standard necessary for the examination, to revise and rearrange the syllabus, weighing, with even balance, the educational values of the studies of the older Universities against those of the modern learning, as it has been called, to which the younger Universities are thought to pay more attention. The revised syllabus thus made out should be submitted to the Government with whom the decision must rest.

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EXTRACT II. PROPOSED CHANGES IN CLASS I EXAMINATIONS¹

A. The Existing System

13. In reporting on the existing scheme we are not invited to discuss the system of selection for the public service by open competitive examination. If we were so invited, we might be constrained to declare that the question was not open to free discussion on its abstract merits. Public opinion demands that such coveted appointments as those of Class I should be made impartially without regard to class or connections or any kind of influence. It would prefer that they should be made by merit, but it would hardly be satisfied unless merit for such purposes were determined objectively; and the results of public examinations are held to possess such objectivity. Though it cannot be claimed for examination that it uniformly selects the best from among the candidates who present themselves, it may be admitted on the other hand that we do not need every year for the public administration the twenty or thirty most able and industrious and energetic and well-trained men that the nation can produce. To take all the best would be an injustice to all the other forms of national activity, which reckoned all together are many times more important than departmental administration. It would be an injustice to the men, the most part of whom could never hope to reach any position worthy of their talents, and a waste of invaluable material. We want as entrants to the Higher Civil Service vigorous, sound, well-educated men of good intelligence. If among those selected by open competition there are not always to be found a sufficient number who, after many years of service, are, by virtue of their initiative, force of character, freshness of mind, and constructive ability, fit for the highest posts, the fault may lie in the system of training after entry, and in the conditions of subordinate service; it need not be with the competitive system. . . .

14. On the other hand the faith in competitive examination is not what it was twenty years ago. Cambridge, the original home of "order of merit," has abandoned strict order of merit in most of its public examinations. The Senior Wrangler and other Wranglers are merged in certain first classes or divisions of classes. There has been no Senior Classic for thirty-five years. Examiners, whose attention has thus been directed to classification rather than to

¹ *Report of the Committee Appointed by the Lords Commissioners of His Majesty's Treasury*, Cd. 8657 (1917). The proposals made in this report were, with slight modifications, adopted by the Government in the spring of 1919.

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arrangement in order of merit, have come to see that mere addition of numerical marks produces results not even in accordance with such justice as an examination is capable of dispensing. When numerical marks are applied not to one common schedule of subjects, but to the immense number of combinations that are permissible under the existing scheme, the degree of approximation to accuracy must be still less. When subjects such as History, Mathematics, and Natural Science, have to be brought to a common standard, that standard cannot be accepted as fully reliable. It will not be possible for us to recommend a simpler system without departing entirely from the conceptions on which this scheme is based. We might recommend that all candidates who had obtained first-class Honours in an approved course at any University should compete in some further examination designed to test the common results of an entire education, rather than the several results of many specialised forms of education. . . . But we do not consider that the time has come for so complete a revolution.

15. Accepting the principle of open competitive examination, we regard the existing scheme as designed to test the results of University education in general, and not the results of a special education preparatory to public service. It would no doubt be possible to construct a scheme of examination comprising only subjects directly useful in the Home Civil Service, another such for the Indian Civil Service, another for the Foreign Office, and so forth. But we agreed with the Consultative Committee that the examination should continue to be a test of general rather than specialised ability and education, and that it should be a means of selecting under the existing scheme of National Education those candidates who have used the best talents to the best advantage under that scheme. We consider that the best qualification for a Civil Servant is a good natural capacity trained by a rational and consistent education from childhood to maturity. We consider that the first requisite for a successful competition is a good field of candidates, and that such a field can best be obtained by adapting our scheme to the chief varieties of University education; so that candidates while working for University honours will be at the same time preparing themselves to join in the competition if, when the time comes, they are attracted by it. We do not wish candidates to adapt their education to the examination; on the contrary, the examination should be adapted to the chief forms of general education. We consider it highly important that candidates who sit for this competition and are successful should be as well qualified, at least, for other non-technical professions as if they had never thought of it. For all these reasons we hold that any scheme that

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we propose should be accommodated to University education as it at present exists rather than to some scheme of instruction specially devised for the public service. But we think it necessary to give in our scheme duly proportionate weight to the various sides of University education; and in particular:— to give due value to the results that should be expected from a good general education; to attach higher value than at present to certain University subjects that seem to provide suitable knowledge and training, such as history, economics, law, and politics; and throughout to ensure that sufficient attention should be paid to modern conditions.

16. The existing scheme has been condemned on the ground that it gives an excessive advantage to candidates chiefly trained in the learning of ancient Greece and Rome. Some no doubt would wish us to put the Classics at a disadvantage, or to exclude them altogether from the examination. We are not inclined, nor do we think it to be our duty, to put any handicap on the widest, the most systematic, and the most consistent humanistic education that at present exists in this country. We shall make the attempt to put similar and equivalent learning related to modern peoples on an equal footing with classical learning. But we cannot thereby alter existing conditions, though we may assist by our action the improvement and development of a consistent and continuous education in the language, literature, and history, of the most important European nations. We cannot expect forthwith to find many candidates thoroughly trained in the language, the scholarship, the thought, the social and economic history even of France, as men are now trained in the like learning that appertains to Greece. There will not soon be candidates whose knowledge of France has been built up systematically through twelve or fourteen years; the standard and tradition of scholarship in such studies will not be quickly built up to the Classical level. To teach the Classical learning and develop Classical scholarship there was at work in 1914 a great band of scholars equipped by the tradition, the organised learning, and the experience, of four hundred years. We cannot create for the Modern Languages an equivalent staff of teachers by altering an examination. A large proportion of the most able students have gone in the past to the Classics, and we cannot alter the national habits, the prepossessions, and the system, that have caused the most gifted among literary students to follow the ancient studies. But we can give an equal opportunity to modern studies; the schools and Universities must do the rest; if the nation desires enlightenment and sound training to proceed from modern studies it will no doubt in course of time obtain what it desires, provided it is prepared to use the requisite means. We do not reckon the influence of this competi-

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tion to be so great as it is sometimes said to be; but so far as its influence extends we think it should be used to encourage modern studies, though not by accepting an inferior equipment in modern languages, literature, and history, as the equivalent of a much higher equipment in similar Greek and Latin learning and scholarship. Our scheme should be based as Macaulay suggested on the existing scheme of national education; but at the present conjuncture, and with the present needs, we think it may be usefully employed to strengthen elements that still are weak; and by setting up a high standard that may for a time be seldom attained, we conceive that we shall be aiding rather than impeding the healthy development of modern studies; and in the words of our reference adopting means "most advantageous to the higher education of this country."

17. The existing scheme has also been condemned on the ground that it does not give equivalent weight to Natural Science. That contention is either true or not true according as Mathematics and Natural Science are reckoned separately or together. Taken together, in the scheme of 1906 Mathematics and Natural Science had great weight, receiving altogether 4,800 out of 6,000 possible maximum. The Civil Service Commissioners feared indeed that among the candidates obtaining the highest places too many would be found who showed little proof "of training in the use of words and knowledge of the institutions, the thoughts, and the life of men." They accordingly used the only device that their scheme permitted to secure greater width of outlook, and reduced the proportion of marks obtainable by the combination of Mathematics and Natural Science from 4,800 to 4,200. Even under these conditions a fair number of candidates whose chief strength lay in Mathematics or Science or both obtained very high places; but we recognise that it is no longer permissible to assume that Mathematics and Natural Science form one single University whole. We consider that both Mathematics and Natural Science should be put on an equal level for the purposes of this examination with all other first-rate non-technical University studies, and we propose to obtain evidence of general education suitable to Civil Servants by a separate section of the examination common to all candidates alike. We do not wish to divert from research and industry Mathematicians and men of Science who may be needed more elsewhere than in the general administrative work of the Civil Service; but we think that the encouragement of scientific study at the University resulting from equal treatment may be at least equivalent to any diversion of talent from more suitable occupations that may result; a sense of injustice will be removed, and thus we trust harmony among men

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of learning may be promoted to the benefit of all forms of learning alike.

18. It has also been represented that the existing scheme gives an undue advantage to Oxford and Cambridge over the other Universities of the United Kingdom. The system of scholarships at Oxford and Cambridge attracts to those places of learning a great proportion of the ablest and best trained students. If the results of the competition did not correspond to this fact, something would be wrong with the competition. Moreover, the conception of the existing scheme requires a wide range of instruction, and the Classical course of Oxford, and to a less degree, that of Cambridge, are the widest of University Courses. Both these Classical courses require a high standard of attainment in two languages, and a wide knowledge of two literatures; the Oxford course also requires a thorough training in the eventful history of two races; and, in order to obtain full benefit from the conditions of the competition, Classical candidates must also show good proficiency in Philosophy. No other University course offers a like diversity of coherent training. But all Universities have admitted a high degree of specialisation in studies other than the Classical group, and we are of opinion that these should be treated on equal terms in the Civil Service examination. We propose an expedient which will, we hope, be a corrective at once to the narrowness of interests and knowledge and the lack of useful accomplishments which may be the defects of the specialist, and to the ignorance of modern conditions which may be the defect of students too exclusively devoted to ancient learning. If our tests, designed for all candidates, work as we intend them to work, the candidate who is best educated and who has best educated himself, whatever may have been the bent of his principal studies, will obtain an advantage in Section A, and the mere specialist, whether in Classics or in any other subject, will find himself left behind by those who have kept their minds open to the acquirement of necessary knowledge and accomplishments. By this proposal we conceive that we have done justice to all Universities and provided machinery which should select for the Civil Service the class of men who are needed for the work of the Departments. . . .

B. The Proposed System

20. We have already indicated that we consider that this scheme should be established on a basis of equality of studies; that is, of the chief studies which are pursued by students at the University up to the conclusion of an Honours course. We propose to place on an equal footing the main schools of: Classical languages, history,

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and literature; Modern languages, with history and literature; History; Mathematics; and the Natural Sciences. The Classical subjects will be valued at 800 marks; History and Mathematics at the same; candidates in Natural Science taking one main subject up to the higher level and two subsidiary subjects on the lower level can obtain the same totals; while two Modern languages studied as comprehensively as the Classics will be worth the same. It is possible, however, that for some time candidates able to take full advantage of this last opportunity may be few. We propose that the candidate coming from any one of these Schools shall be encouraged — it might almost be said constrained by the force of competition — to offer one or two other additional subjects estimated by us as the equivalent of one fourth part of his whole main subject. This addition, valued at 200 marks, may be made up in many ways, and we do not propose to limit in any way the free choice of candidates. There is also a great range of University studies — political, legal, economic, and philosophical — which have not been as yet, so far as we know, consolidated into one Honours School, though the courses offered by the London School of Economics may cover the most part of them. We have greatly increased the individual and collective weight of these studies, but we do not consider it desirable that candidates for the Civil Service should study exclusively either politics, law, economics, or philosophy; however, for students whose chief interest lies in two or more of these subjects we offer a varied field of selection which is fully equivalent to that appertaining to any of the Schools mentioned above.

21. While grouping subjects as above, and expecting that on the whole the main choice of candidates will be in one or other of the groups, we retain for subjects of University study the old freedom of selection. Whatever limits we imposed upon the choice of candidates, we should still be confronted by the difficulty of equating disparate subjects; e.g., Language including literature and history, Mathematics, History, Natural Sciences. That difficulty has to be solved as best it may by the Civil Service Commissioners and their permanent and occasional staff. It will be no greater under our proposed scheme than it is under the existing scheme. Moreover, we think it would be difficult to make up a list of subjects under our proposed scheme which would not secure a useful University education, either narrower or wider.

22. But we do not consider it necessary to confine our tests to the results of University study alone. The young men who will be examined by the Civil Service Commissioners will have spent not only three or four years at the University, but ten or more years at school; and the best of them will have had abundant leisure in

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which to educate themselves and pick up knowledge and accomplishments useful to them in the work of life. Much that they have learnt at school they will quite rightly have forgotten, but that knowledge should have served its purpose; and we do not propose to examine our candidates in school subjects. But we consider that a sound and systematic education should show certain results at University-leaving age; and that candidates who, while devoting themselves to their individual studies, have nevertheless retained an alert and acquisitive mind and have kept their eyes open to the most important facts in the world around them, should have seized and retained a certain amount of knowledge — scientific, economic, and political. We consider it also highly desirable that all Civil Servants should have a good working knowledge — that is, a reading and translating knowledge — of at least one modern foreign language, preferably two.

23. On this basis we have constructed a separate section that all candidates must take. We consider that all well-educated young men should be able to use the English language skilfully and accurately and to grasp its meaning readily and correctly. This accomplishment is specially valuable for Civil Servants, but any form of education that has not developed it has failed in a principal part of its purpose. We therefore propose in the first place that all candidates should write an essay. This test in the existing scheme was optional, though nearly all candidates took it, perhaps because they thought it required no special study. To construct an essay and work out therein a line of thought, with suitable words, logical order, and just proportions is a severe criterion of ability. But it is found by experience that an excellent candidate may on any one occasion fail to do justice to his powers. We therefore propose that candidates should have in other papers opportunities of manifesting like powers of arrangement and effective expression. One of these papers should be a test in English. . . . It is desirable that these young men should be able at a glance to seize the nature of a printed passage, to judge what is required of them in connection with it, and whether it is suited to their tastes. Those who have to spend much time in reading even such a paper as we submit cannot be expert readers of English. Severe economy of words with consecutive and coherent exposition will be required in the exercises. Candidates who have a taste for verse will have a chance to show their skill. If Latin verses have been held by many generations of Englishmen to be an exercise conducive to the mastery of the Latin language, English verses may have a like value as practice in restrained and balanced composition.

24. Further, we propose a paper in modern subjects, social, political, and economic. It may be found that many — perhaps most —

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young men of our country are unduly ignorant of such matters. But the existence of this test should encourage many to turn their attention to these subjects and accumulate in their leisure much useful information. Effective and skilful exposition will be expected, and the young man who has hastily acquired a few facts will not shine beside him who has an easy command of principles and well-digested knowledge. . . .

25. We have received from the Government Committee on Science in the Educational System of Great Britain the following resolution:

The Committee have had under their consideration certain proposals for remodelling the Competitive Examination for admission to Class I of the Civil Service at home and in India or in the Colonies. They are unanimous in thinking that it is indispensable that a course in Science extending over several years shall have formed a serious part of every candidate's previous education. They are, however, not prepared to trespass on the province of the Committee which is dealing in detail with this Examination. They feel strongly that if the men with high scientific qualifications who will undoubtedly be needed in the Service to a greater or less extent are to be secured at a comparatively early age by this Examination, then candidates offering Science only (without Mathematics) should in future be placed on complete equality with other candidates, and that this is not the case at present. But they recognise that there may be advantages in obtaining also by other methods scientific advisers for the Service at a greater age and with practical professional education.

With the trend of this resolution we find ourselves in general agreement; and we desire to make it clear that by placing Science, as we have endeavoured to do, on a complete equality with other subjects of a University course, we do not expect to make it possible for certain Departments to dispense with scientific advisers selected in maturer age and possessed of practical experience and of knowledge of a kind that may have to be obtained elsewhere than at a University. And in some Departments specialists in one or another branch of Science will doubtless be selected by tests of a less general kind than that with which we are concerned. The young men selected under our scheme partly for their knowledge of Natural Science, unless they happen to be employed in a scientific branch of the Department in which they are working, may have no opportunity of exercising their scientific acquirements and their knowledge may pass out of date. They should, however, not lose a just estimate of scientific knowledge, and they should know when and where it may with advantage be sought.

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We must, however, make one reservation to the terms of this resolution. The "indispensable" requirement of a School course in Science must apply rather to the future than to the present. We cannot now correct the defective education of the past or rule out from our competition for some years to come all those useful candidates who may not satisfy this demand of the Science Committee. Perhaps later it may be possible to require of all candidates some form of School Certificate which may be evidence of suitable training in this and some other subjects not tested by the Examination.

26. However, we think we may even now go so far as this. We can give a substantial advantage in the competition to those candidates who by whatever means have obtained and retained a sound knowledge of some of the principles, methods, and applications of Science, and are able to give a lucid and intelligent account of their knowledge. . . . It is hoped that the inclusion of this Subject in the scheme will encourage all candidates to make themselves acquainted with the general principles of Science. This paper will also be a test of orderly, effective, and exact expression.

27. Finally, we propose to allot 100 marks for a translation paper from some modern foreign language. We intend this paper to be a serious test of capacity to understand and translate accurately passages from the foreign language. We do not propose to limit the scope; verse may be set as well as prose; but nothing that is antiquated should appear; the candidate should be able to master any passage that is likely to occur in books of ordinary difficulty written in the living tongue; passages dealing with history and politics may be set; but not any technical matter. This, like Subjects 3 and 4 in the Section, should be not only a test of specific knowledge, but also a test of capacity to use the English language with skill and accuracy. . . .

28. Since it is of high importance that Civil Servants should have ready use of two modern languages, we include among our recommendations that any candidate who wishes to offer a second Modern Language on the same terms as in Section A should be permitted to do so beyond the limit of the subjects prescribed in Section A and those permitted in Section B. To acquire a modern language for reading and translation purposes should not be a difficult task for any well-educated man; it can be done in leisure time with a little assistance. But some adequate motive is needed to induce the effort; an effort which should be made by students of History, Natural Science, Politics, Economics, and, indeed, of almost all the subjects in our schedule, but in fact is not always made. We trust that in course of time all our candidates will be prepared to offer two modern languages up to a useful standard, but we do not at present propose

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to make two compulsory. We hold out an advantage to those who offer two, but success will be possible with only one, and in some cases perhaps without any.

29. The Royal Commission expressed a cautious inclination towards a viva voce Examination, but made no definite recommendation. The Consultative Committee in their Report say that there should be a viva voce Examination. On this point, as on almost every point of our Report, we are unanimous. We believe that qualities may be shown in a viva voce examination which cannot be tested by a written examination, and that those qualities should be useful to public servants. It is sometimes urged that a candidate — otherwise well qualified — may be prevented by nervousness from doing himself justice viva voce. We are not sure that such lack of nervous control is not in itself a serious defect, nor that the presence of mind and nervous equipoise which enables a candidate to marshal all his resources in such conditions is not a valuable quality. Further, there are undoubtedly some candidates who can never do themselves justice in written examinations, just as there are others who under the excitement of written competition do better than on ordinary occasions. We do not consider that it is desirable to forgo the viva voce test for the advantage of a few weak vessels. As we say below, we consider that the viva voce can be made a test of the candidate's alertness, intelligence, and intellectual outlook, and as such is better than any other. The viva voce examination has been proved by experience to redress in certain cases the results of written examination. The examination should, of course, be skilfully conducted by carefully selected examiners accustomed to handle young men and to put them at their ease. We consider that the viva voce examination should not be in matters of academic study, but in matters of general interest, on which every young man should have something to say. We think that the marks assigned under this heading should be a valuable corrective to the results of the written papers, and should not infrequently help a useful man to success or save the State from a bad bargain.

30. In our opinion the practice of the Commissioners of deducting a proportion of marks from the gross totals obtained by candidates in the several subjects and readjusting the remnant should be applied to all the subjects in our schedule. The result of this device, besides eliminating the smatterer, is to give a higher premium for excellence in any individual subject and to depress those who reach only a moderate level in all. We see no reason why the practice should not be explained for the information of all concerned. It consists of deducting one-fifth of the maximum from every candidate's marks and adding thereto one-fourth of the remainder. Thus on a maximum

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of 100 a candidate who obtained 20 or less would be credited with none. A candidate who gained 52 would get 32 plus 8 = 40; a candidate who received full marks would be credited with 80 plus 20 = 100, and thus suffer no deduction at all. In other words, the candidate's deficit from full marks is increased by a quarter.

EXTRACT III. THE STATUS OF THE CIVIL SERVANT¹

The fact remains that the Civil Service, whilst in daily contact with factors vital to social health, has no professional standing, retaining its economic power by its labour monopoly, artificially contrived by its master the State. It is not, therefore, surprising that its more far-sighted members, alive to its anomalous and none-too-popular position, are deeply concerned to gain for it a definitely professional status. Even as I write, the Society of Civil Servants, in conference, is considering *inter alia* proposals (a) to codify and maintain at a high standard rules of professional conduct for the Civil Service; (b) to promote the study of subjects bearing upon the work of civil servants — e.g. Sociology, Economics, Statistics, Administrative Technique; (c) to found courses of lectures and debates and generally to encourage the extension of education in subjects affecting, and dealt with by, the Civil Service.

Significant and germane is the record of action of the Association of Staff Clerks, now known as the Society of Civil Servants, which has led up to this effort to secure professional status. The story is told in an interesting and amusing pamphlet issued by the Society. The Second Division Clerks "were brought to a sense of grade unity by a general conviction that a common improvement in salary and opportunity was worth more than the occasional promotions to be obtained by unsocial rivalry." When war broke out, "all the world obtained war bonuses, but for a time the Staff Clerks sacrificed their wives to their dignity and refused to ask for an adjustment of salary. In the end, however, their wives were too strong for them and the Staff Clerks' Association was formed in order that a claim for a war bonus might be placed before the Conciliation and Arbitration Board." This was successful, and, in consequence, "the Staff Clerks widened their constitution and became representative of the middle body of the public service, with the lower ranks of clerical workers organised in the Clerical Alliance and the upper ranks still at loose ends." And now civil servants with more than £500 a year, they too not unmindful of war bonus, began to join, and the Society of Civil Servants was born.

¹ S. G. Hobson, *National Guilds and the State* (Copyright, 1920, by The Macmillan Company, New York; London: G. Bell & Sons), pages 307-309.

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So far it is a simple instance of financial reaction; but what follows is yet another proof, if proof were required, that men when materially satisfied do not slack but rather bend their energies to greater effort. The Society immediately "extended its aims beyond questions of the market and the larder, and set itself to the task of defining and confirming the Civil Service as a profession, with its own technique, its distinctive qualifications, and its special tradition." Not forgetting the market and the larder, making full provision for the discussion of that tiresome topic and action thereon, the Society of Civil Servants aims at "corporate action similar to that which is furnished for their members by the British Medical Association and other professional bodies." This conclusion was not reached without a struggle: "The issue narrowed itself to the difference between the old-fashioned trade union aim of another penny an hour and the wider claims for responsibility, status, and control, in which payment is only one element." This accomplished, the Society can now look in upon its own internal working and consider how best to achieve its professional aims. "The Society of Civil Servants now proposes to think out its own problem and to mould its experience into a technique. Its members are no longer to be a promiscuous horde of clerks with pension privileges, but a profession with expert training and technical knowledge, as clearly qualified for the special task of public administration as chartered accountants are for accountancy."

The critic may remark that the civil servants in this Society are the most favourably placed. Omitting the controlling elements, this is true; but the lower grades evince the same determination to become efficient; to justify themselves by function and not by State protection. The Civil Service Clerical Alliance takes up the organisation where the Society of Civil Servants leaves off. The two organisations do not compete for membership. This is what the Alliance has to say of its objects: "This union of forces was created and is being maintained with the twofold object of improving the efficiency of the Civil Service and of protecting civil servants and promoting their interests. The Alliance takes pride in elevating the ideal of the public service and standing for its efficiency and integrity, an imperative duty in face of the ignorant criticism which has been levelled against it by the more irresponsible section of the Press. To secure a more efficient Civil Service, however, it is necessary, as has been implied above in reference to industry, to reorganise it in such a manner as will create a community of interest in making it more competent." The Alliance's sense of unity in the Civil Service expresses itself in a practical way. It is opposed to patronage in all forms, whether by limitation of candidature that depends on personal

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selection, or of definite appointments of individuals by Ministers or officials. Secondly, it holds that no artificial barrier should restrict the promotion of civil servants of whatever class or department.

EXTRACT IV. THE GROWTH OF CIVIL SERVICE ORGANIZATIONS¹

But the greatest development of Trade Unionism among the "black-coated proletariat" has been among the employees of the National and Local Government. This has been entirely a growth of the past thirty years. Beginning among the manual working staff of the Postmaster-General, and among the artisans and labourers of the Government dockyards, arsenals, and other manufacturing departments, there are now a hundred and seventy separate Trade Unions of State employees, from the crews of the Customs launches and the boy clerks, up to the Admiralty Constructive Engineers and the Superintendents of Mercantile Marine Offices. Of recent years, organisation has spread to the higher grades of the Civil Service, even to the "Class I" clerks; and practically no one below the rank of an Under-Secretary of State is held to be outside the scope of the Society of Civil Servants. All the various societies are grouped in federations, from the "Waterguard Federation" and the Prison Officers' Federation of the United Kingdom; through the United Government Workers' Federation and the Federal Council of Government Employees, combining the various kinds of manual working operatives; up to the Customs and Excise Federation, the Civil Service Federation, the Civil Service Alliance, and even the "National Federation of Professional Workers," which includes also teachers. The strongest of all these bodies is probably that of the various employees of the Postmaster-General, whose fight to secure "recognition" and the opportunity for "Collective Bargaining" has extended over a couple of decades. There are about fifty separate Unions of Post Office employees, mostly small and sectional bodies; but the three principal societies (the Postal and Telegraph Clerks' Association, the Postmen's Federation, and the Fawcett Association) were amalgamated in 1919 into one powerful Union of Post Office Workers, with 90,000 members with eleven salaried officers, and affiliated both to the Trades Union Congress and the Labour Party, which can now meet the managing officials of the Post Office on something like equal terms.

The employees of the Local Authorities — thirty years ago entirely without organisation — are still not so well combined as those of

¹ Sidney and Beatrice Webb, *The History of Trade Unionism* (Longmans, Green & Co.; 1920), pages 507-510. See also S. G. Hobson, *op. cit.*, pages 313-319.

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the National Government. A score of different societies, from such grades as school-keepers, police and prison officers and asylum attendants, up to municipal clerks, share the work with the National Union of Corporation Workers and the Municipal Employees' Association. A large proportion of the wage-earners employed by the Local Authorities are to be found in the Unions of General Workers. The National Association of Local Government Officers and Clerks is a large and powerful body, composed mainly of the clerical and supervisory grades.

Trade Unionism in the public service received a great fillip after 1906, when Mr. Herbert Samuel at the Post Office, together with some other Ministers, "recognized" the Unions of their employees, considered their corporate representations, and agreed to meet their officials. It was still further promoted when, in 1912, the Government consented to the establishment of an independent Arbitration Tribunal for determining the terms of employment in the Civil Service for all grades and sections under £500 a year. Before this tribunal, whose awards were definitively authoritative, the representatives of any association could appear as plaintiffs, those of the Treasury appearing always as defendants. Finally, after the promulgation in 1917 of the "Whitley Report," which the Government, in impressing it upon other employers, found itself constrained to adopt in its own establishments, there was established during 1919 an elaborate series of joint councils (including even the civil departments of the War Office and the Admiralty) for particular branches of establishments; for whole departments, and for whole grades of the service throughout all departments, in which equal numbers of persons nominated by the employees' associations, and of superior officers chosen by the Government, representing the management, meet periodically to discuss on equal terms questions of office organisation, professional training, conditions of service, methods of promotion, and what not.

EXTRACT V. APPLICATION OF THE "WHITLEY REPORT" TO THE CIVIL SERVICE¹

[In the autumn of 1916 the Prime Minister appointed a Committee on Relations between Employers and Employed, with the Right Hon. J. H. Whitley (now Speaker of the House) as chairman. This committee issued a series of reports, of which the most significant, commonly described as the "Whitley Report," appeared in 1917. The substance of the report is thus set forth by the Webbs.²

¹ *Labour Gazette* (London), Vol. XXVII (1919), page 274.

² *The History of Trade Unionism*, page 647.

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"Whilst significantly abstaining from any suggestion of 'profit-sharing, co-partnership, or particular systems of wages,' the Report emphasised the importance of (a) 'adequate organisation on the part of both employers and employed'; (b) the imperative need for a greater opportunity of participating in the discussion about and adjustment of 'those parts of industry by which they are most affected' of the work-people in each occupation; (c) the subordination of any decisions to those of the Trade Unions and Employers' Associations. Among the subjects to be dealt with by the hierarchy of National, District, and Works Councils or Committees¹ were: (i.) 'the better utilisation of the practical knowledge and experience of the work people . . . and for securing to them a greater share in and responsibility for the determination and observance of the conditions under which their work is carried on'; (ii.) 'the settlement of the general principles governing the conditions of employment . . . having regard to the need for securing to the work-people a share in the increased prosperity of the industry'; (iii.) the methods to be adopted for negotiations, adjusting wages, determining differences and 'ensuring to the work-people the greatest possible security of earnings and employment'; (iv.) technical education, industrial research, utilisation of inventions, and improvement of processes; (v.) proposed legislation affecting the industry. After two years' propagandist effort, it seems (1920) as if the principal industries, such as agriculture, transport, mining, cotton, engineering, or ship-building are unlikely to adopt the scheme; but two or three score trades have equipped themselves either with 'Whitley Councils' — the District Councils and Works Committees are much more slow to form — or with 'Interim Industrial Reconstruction Committees,' which may be regarded as provisional Councils, in such industries as pottery, house-building, woollen manufacture, hosiery, heavy chemicals, furniture-making, bread-baking, match-making, metallic bedstead manufacturing, saw-milling, and vehicle building. The Government found itself constrained, after an obstinate resistance by the heads of nearly all the departments, to institute the Councils throughout the public service."

They were first applied to industrial establishments operated by the government. In February, 1919, when the plan was being worked out, the Minister of Labour emphasized its importance in these words:²

"The policy which is enunciated in the Whitley Scheme, as it is generally known, is a policy which probably offers the greatest pos-

¹ Upon these bodies capital and labor are equally represented; by agreement, representatives of the government may be added.

² *Labour Gazette* (London), Vol. XXVII (1919), page 81.

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sible hope for the future good relations between employers and employed. I think I am not wrong in saying that the keynote to that scheme is the idea of obtaining the best possible harmony between the managing side of the business and those who are at work in the business. The way by which that is to be obtained is by giving the workpeople a far greater share than they have ever had in the past in determining the conditions under which the work is to be carried out. That is a principle upon which we are all agreed, and I for one am perfectly clear in my mind that a great many of the troubles we have had to confront in the past, and which we are facing now, could have been avoided if only the workpeople could have been taken into consultation on the conditions on which business is to be run; and I am certain that in the future we can obtain greater harmony in the labour world if the brains, the intelligence and the advice of the men performing the functions in the yards and shops are made available to the men carrying on the business. Now, I want to assure you, because evidently it requires some assurance, that the Government is whole-heartedly supporting that principle, and that we agree that it shall be carried out in the most complete fashion in all the shops and yards for which the Government is responsible. I want you to know that wherever the Government is in the position of employers they are agreed that this principle which gives the workmen a share in the management shall be carried out, and what you have been brought here to-day to do is to arrange a scheme on which the necessary adjustments which are required in each organisation to carry out these great principles can be made."

In the same year the Whitley scheme was introduced generally in the civil service. An outline of the arrangements which were adopted follows.]

The National Provisional Joint Committee appointed by a Conference of representatives of Government Departments and of Civil Service Associations held 8th April, have now issued their Report (Cmd. 198). The Report states that the Committee have carefully examined the previous Governmental Report and various schemes and memoranda submitted by Government Departments and Civil Service Associations. The following is a summary of the chief features of the Report:

The proposals are based on the establishment of joint bodies falling into the following categories:

- I. A National Council.
- II. Departmental Councils.
- III. District and Office (or Works) Committees.

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The National Council will consist of 54 members, one half appointed by the Government and the other half by the Staff Associations. The official side will include at least one representative of the Treasury and one representative of the Ministry of Labour. The staff side will be appointed by the Staff Associations.

The objects of the National Council will be to secure the greatest measure of co-operation between the State in its capacity as employer, and the general body of Civil Servants in matters affecting the Civil Service, with a view to increased efficiency in the public service combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view of representatives of the administrative, clerical, and manipulative Civil Service.

The scope of the National Council will comprise all matters which affect the conditions of service of the staff.

The functions of the National Council will include the following:

- (i) Provision of the best means for utilising the ideas and experience of the Staff.
- (ii) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.
- (iii) Determination of the general principles governing conditions of service, e.g., recruitment, hours, promotion, discipline, tenure, remuneration, and superannuation.

In the National Council the discussion of promotion will be restricted to the general aspects of the matter and the principles upon which promotions in general should rest. In no circumstances shall individual cases be taken into consideration.

It will be open to the National Council to discuss the general principles underlying disciplinary action, but there will be no discussion of individual cases.

- (iv) The encouragement of the further education of Civil Servants and their training in higher administration and organisation.
- (v) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.
- (vi) Proposed legislation so far as it has a bearing upon the position of Civil Servants in relation to their employment.

The decisions of the Council will be arrived at by agreement between the two sides, and will be signed by the Chairman and Vice-Chairman, will be reported to the Cabinet, and thereupon will become operative.

As a general rule, each Department will have its Departmental

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Council, the official side of which will be appointed by the Minister or the permanent head of the Department. Members of the staff side will be elected by the Associations or groups of Associations having members employed in the Department.

The functions of the Departmental Councils will be those indicated above for the National Council in so far as they have a special application to the particular Department. A Departmental Council may discuss any promotion in regard to which it is represented by the staff side that the principles of promotion accepted by or with the sanction of the National Council have been violated. Disciplinary action may be discussed if it is represented by the staff side that such a course is desirable.

The Report was submitted to a second National Conference held on July 3d. The Chancellor of the Exchequer presided and welcomed the Report on behalf of the Government. The Report was unanimously adopted. . . .

CHAPTER IV

THE ELECTORATE

UNDER the Representation of the People Act of 1918 (*Extracts I and II*) something like universal suffrage has been established. In regard to men, that important measure substitutes simple and intelligible rules for the complex provisions gradually built up by earlier statutes; and it further admits women to the franchise, though under safeguards which seemed necessary in view of the gravity of the innovation and of the fact that the female population considerably outnumbers the male. The plural vote, so insistently attacked by Liberal politicians, remains only in a very attenuated form. In electoral procedure numerous changes have been made; for one thing expenses incurred by the returning officer in the conduct of the poll now become a public charge instead of falling upon the candidates.

The concession of woman suffrage has frequently been attributed to the patriotic services which women rendered during the war. It was on that ground that Mr. Asquith shifted his position (*Extract V*). But it must not be forgotten that the suffragette agitation of 1905-1914 had made a disagreeable impression upon politicians and left them very reluctant to take any action which would encourage its revival. The purposes and methods of the Women's Social and Political Union have been described with dramatic force and

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literary skill by its leader, Mrs. Emmeline Pankhurst, in *My Own Story* (1914) and by her daughter Sylvia in *The Suffragette* (1911). Before the outbreak of the war, when the agitation was suspended, the government had found no adequate means of suppressing the militant activities, which had steadily assumed a more violent form (*Extract III*). Those who are interested in the controversy over woman suffrage will find the parliamentary debates invaluable. Peculiar interest attaches to the opinion of the late Viscount Bryce (*Extract VI*), because of his distinction as a statesman and his unrivaled knowledge of the working of woman suffrage in other countries.

It seems certain now that women will shortly be admitted to the franchise on terms of full equality with men. In the course of a House debate on February 20, 1925, the Home secretary announced that the Government would, next year, call a conference of parties with a view to arriving at an agreed measure and that the bill, in which women would receive the same treatment as men, would be introduced in 1927.

EXTRACT I. THE SPEAKER'S CONFERENCE ON ELECTORAL REFORM¹

The Speaker's Conference on Electoral Reform was an experiment — an experiment that many people were sure would fail, and that few anticipated would be as successful as it proved to be.

In order to appreciate the difficulty of the task set before the Speaker and his colleagues, a short retrospect into past politics may be useful.

The extension of the franchise has always stirred party feeling very deeply, and for this reason it has usually been achieved by leaving existing rights untouched, and grafting on to them new

¹ Right Hon. Sir W. H. Dickinson, in *The Reform Act of 1918* (Liberal Publication Department; 1918).

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franchises. This process resulted in an electoral system full of complications, inequalities, anomalies, and anachronisms. To the ancient franchises attached to freehold ownership, burgess tenure, rights of freemen and liverymen and Universities, there were gradually added the qualifications of the £10 occupier, the inhabitant householder, the lodger, and the service occupier, until the franchise laws had become so chaotic that reformers began to consolidate their forces around one simple franchise, known as "adult suffrage." Moreover, the system of multiple qualifications had brought into existence a large body of plural voters, i.e., men who being registered in several constituencies were able to record two, three, four, or sometimes ten or twenty votes at a general election. The whole system called for radical treatment and in the year 1912 Mr. Asquith's Government introduced a Franchise Bill based on the complete Liberal programme. This Bill proposed to abolish all existing franchises, and to establish two new qualifications, viz., (1) six months' residence in a constituency, and (2) six months' occupation of property; and it provided for a system of continuous registration under which a person could have his name registered at any moment in the year. The Bill proposed to destroy the ownership vote possessed then by over 600,000 electors, and to do away with the University franchise, and all the rights of freemen and liverymen. It further annihilated the plural voter by enacting that no person should vote more than once in a general election. The Bill was confined to males, but was so drafted as to allow of its provisions being extended to women if the House of Commons should so resolve. It contained no reference to Redistribution, but the Government announced that after its passage they intended to introduce a measure for that purpose before another general election. The Bill received a second reading in July, 1912, but its further progress was held up until the Spring of 1913. In the meantime a large number of amendments were tabled by friends and foes, and several of these were accepted by the Government before reaching the Committee stage. Some amendments were of such fundamental importance that Mr. Speaker ruled that if adopted in Committee they would change the Bill to such an extent that on reaching report stage it could not be proceeded with. Amongst the amendments there were some directed to extending the franchise to women, and as the Government had promised that the bill should admit of female suffrage being introduced, their only course, under the Speaker's ruling, was to withdraw it. Later on in the year a Bill for Women's Suffrage, presented by a private member, failed to secure a second reading, and accordingly the Government, on reconsidering the whole position, decided to introduce a simple measure for abolishing the plural vote. This Bill

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passed the Commons in 1913, and, having been rejected by the Lords, was passed a second time by the Lower House, and again rejected in July, 1914. Under the Parliament Act it only needed one more decision of the Commons in order to become law, but the war broke out, and the party truce made it impossible to take the last step, or, indeed, to carry through any further reform of the franchise on ordinary party lines.

But if the war stopped these proceedings, it had on the other hand the effect of gradually rendering other steps towards reform unavoidable. At a very early stage the circumstances arising out of the war compelled Parliament to turn its attention to registration. The law required continuous occupation for at least a whole year prior to July 15th, and for this reason the transfer of men to the army and to munition works, was effecting widespread disfranchisement. Moreover, the annual registration had ceased, and as the lists of 1914 were being continued in operation for each year, the register had become more and more out of date. The Government tried to remedy this state of affairs by legislation, and in 1915 and 1916 they introduced bills for reviving the register. But then new difficulties cropped up. It was found that no mere improvement in registration would have the effect of enfranchising the soldier who had left his home, and still less of enabling him, if abroad, to record his vote, even if his name was on the register. It became evident that nothing short of complete reform would be of any avail, and in the autumn of 1916, after a fruitless attempt on the part of the Coalition Government to produce a satisfactory scheme, Mr. Speaker was requested to bring together a Conference of representatives from all parties in both Houses of Parliament for the purpose of examining, and, if possible, submitting agreed resolutions on the Reform of the Franchise, and the Redistribution of Seats, the Registration of Electors, and the Methods and Costs of Elections.

The proposal to constitute such a Conference was supported with equal fervour by Mr. Asquith, then Prime Minister and leader of the Liberal Party, and by Mr. Walter Long, the Conservative President of the Local Government Board. In a debate in the House of Commons on August 16th, 1916, Mr. Long said: "I believe that if we agreed amongst ourselves to set up a representative Conference which would really represent opinion on these three subjects — electoral reform, revision of your electoral power when you have got it, and registration — I believe that such a Conference of earnest men, holding strong views, bitterly opposed to each other, if they were face to face with these difficulties, when we are all longing with a great longing to see something of a better prospect for our country in the future, would produce an agreed system for all three questions, upon which

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the great mass of opinion of the people of this country could come together."

Mr. Speaker selected five peers and twenty-seven members of the House of Commons as "representative of the various shades of political opinion in Parliament and in the country."

The deliberations began on October 12th, 1916, and ended on January 26th, 1917. During that period twenty-six sittings were held. The proceedings were private, and under the wise and patient guidance of Mr. Speaker a complete scheme of reform was produced, consisting of thirty-seven resolutions, of which thirty-three were agreed to unanimously.

This result was due mainly to two factors. The first was that from the outset the members of the Conference were impressed with the supreme importance of producing some scheme which would offer a settlement of this most controversial question before the end of the war. It had been pointed out by the President of the Local Government Board that it was in the highest interest of the nation that when peace arrived a new Parliament should be in the position to go forward with schemes of reconstruction without being hampered by a fierce party struggle over the franchise. It was a time when public duty demanded some sacrifice of individual opinions, and the problem resolved itself into that of finding how far those who belonged to divergent schools of political thought could reconcile themselves to yield to and accept each other's opinions.

The second factor was that the deliberations of the Conference were so guided by their chairman in the early meetings that no decisions were arrived at until the main questions at issue had been fully talked out and understood by every member. By this means those who wished for one thing were able to appreciate what was in the minds of those who desired something else, and thus it became possible to envisage the whole problem before either side had committed itself to definite propositions.

With a Conference constituted as described above, it was, of course, natural that all shades of opinion should make themselves apparent. On the one hand there was the pure Radical doctrine that the vote should be given to every man, and that no man should have more than one vote. On the other hand, there was the view that so vast an extension of electoral rights amongst the masses of the people might deprive of all political influence the less numerous classes representing especially the trade and commerce of the country and the higher grades of national culture. There was weight in both of these opinions, and the solution of the problem was found in the acceptance of both. Thus the suggested compromise took the form of a simple residential qualification short enough to render it

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possible for almost every man to become an elector, accompanied by the grant of one additional vote when the elector possesses a place of business or a University degree.

There were, of course, several important considerations involved in this apparently simple formula. In the first place, the adoption of the single qualification of residence would necessitate the abandonment of the ownership franchise. In the ownership column of the old register stood the names of some six hundred thousand persons most of whom had two, three, or more qualifications as electors. The same thing applied to other ancient franchises, such as those of freemen and liverymen. Secondly, the occupation franchise (formerly a fertile field for plural voters) would be cut down to that of bona-fide business premises; and, thirdly, the real old pluralist, who with sufficient motor-cars used to pride himself on recording his dozen or more votes, would be relegated to the museum of antiquities by the condition that in no case should any man vote in more than two constituencies at a general election. On the other hand, the arrangement involved the permanent abandonment of the Radical principle known as that of "one man one vote," incorporated in and almost won by the Plural Voting Bill of 1914. A duplicate vote was to be admitted: limited, it is true, to certain classes, but at the same time extending over a considerably larger area than before. By the old law, multiple qualifications, if in a borough, did not allow a man to record more than one vote anywhere in that town, whatever number of parliamentary divisions might be therein. The arrangement under consideration by the Conference was to do away with this restriction, so that a man living in one division, and having his place of business in another division, would in future be allowed to exercise two votes.

The decisions on this matter also hinged largely upon the question of the time required for qualifying. Under the old law it was necessary to prove occupation for a whole year terminating on July 15th. This often meant in practice nearly 'two years' stay in a place before a man could get his name on the register. Accordingly the most advanced reformers have advocated a three months' period with four registrations in the year. There are practical objections to so many registrations, and in the end a period of six months was agreed to, with two registrations in the year. This, however, in its turn, raised the question of the man who loses his vote through change of abode. Under the old law, if a person could show that he had occupied different premises in succession within the same borough, such occupation counted as if he had been in the same premises for the whole year. The Conference agreed to allow this practice in counties as well as in boroughs, and also added a provision whereby

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the removal might be from and into a contiguous borough or county. For this purpose the whole of London is to be treated as one borough, so that residence anywhere in London or its suburbs during the six months ending on January 15th or July 15th will suffice to place a man on the electoral roll. These changes with regard to the qualifying period should have the effect of greatly facilitating the attainment of electoral rights, and when it is borne in mind that the substitution of a residential franchise for the lodger and service franchises has cleared many obstacles out of the way of claimants, it is evident that the recommendations of the Conference amount in reality to adult suffrage so far as they affect the male elector.

That this enormous change in the Constitution should have been recommended unanimously is a remarkable testimony of what can be done when men meet face to face and try to do business. History cannot fail to record it as one of the peaceful revolutions that have made this country great.

It could not be expected that the unanimity which characterised the deliberations of the Conference on the male suffrage should extend to those on female suffrage. This was a novel proposal, and one that had created bitter controversy in preceding years. Moreover, as Mr. Speaker stated in his Report, he had, in selecting members of the Conference, "endeavoured to obtain an equal division of opinion on the question of Woman Suffrage so far as it could be ascertained."

At first sight it seemed to the friends of Woman Suffrage that the division of opinion would be rather against them, but it soon appeared that the experiences of the war had considerably affected men's minds on this subject. The service rendered to the nation by women; their proved capacity for work in which they had never before engaged; their right to demand the vote now that they had proved emphatically their patriotism and sense of citizenship — all these considerations had weight. Moreover, in debates in Parliament, Mr. Asquith, Mr. Walter Long, and other former opponents had announced their conversion, and had thereby influenced others.

Accordingly, when the subject came up for decision, it was clear that the majority of the members would support some measure of enfranchisement and the question narrowed itself down to one of degree. To extend to women the same system as had been agreed to for men would have resulted in making the roll of the female electors far larger than that of the male. The adult population of the United Kingdom in 1911 was 26,295,539, and of these 12,482,199 were men and 13,813,340 were women. It was evidently necessary to discover some method whereby the number of women to be enfranchised should be limited. There were three possible methods. Firstly,

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the parliamentary vote might be conferred only upon those women who already had the municipal vote. These number about 1,000,000. Secondly, a different age might be chosen for women to that of men, the number of women over twenty-five years of age being 12,000,000 and over thirty years 10,000,000. Thirdly, there was the scheme of the Suffrage Bill of 1913, namely, the enfranchisement of women who were either the tenants of a house or the wives of tenants. This would give a list of between eight and nine millions. Ultimately this last proposal was adopted, with the limitation that it applied only to women over a certain age — the question of whether that age should be thirty or thirty-five being left unsettled. The scheme was estimated to enfranchise about 6,000,000 women. It was reported to Parliament as having been passed by the majority of the Conference, and was accepted by the House of Commons upon a Division, 387 voting in favour and only 57 against.

The method by which this scheme of women's enfranchisement was dealt with was that of basing it upon the local government electorate. The Conference recommended that the franchise for local government purposes should differ from that for Parliament, on the ground that as the municipal authorities were concerned only with the expenditure of the rates, the electors should be only those persons who directly or indirectly contributed to the rates. The Conference therefore proposed that the local government qualification should be occupation of premises as owner or tenant. The word tenant is of wide application, and as the premises occupied may be of any value, the local government electorate would include everyone who pays rent for his dwelling. Therefore in recommending that the wife of the local government elector should have the parliamentary vote, the Conference enfranchised the female head of the household, however small that household might be. The Conference did not propose that the wife should have the local government franchise; but an amendment to this effect was made in Parliament, and thus it has come about that the parliamentary franchise will be enjoyed by all women over thirty who are either local government electors or the wives of such electors, whilst the local government franchise is given to these same women with the addition of women between twenty-one and thirty who are tenants in their own right.

It remains to describe one or two other changes made by the Conference. The first is that of the soldier's vote.

After arriving at the general principles of the new franchise, it became apparent that such reforms of themselves would not result in giving to the soldiers and sailors any vote that they could exercise. In the first place, six months' residence in a British constituency would not help the man who had spent his time in Flemish trenches

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to get his name registered as an elector. In the next place, even if registered, the British Army could hardly be allowed leave of absence to record their votes at home in a general election if it should occur during the war.

Both of these difficulties had to be met if the new franchise were to be made anything else than a sham as regards our fighting men. The Conference met the first point by proposing that any man in the army or the navy might be registered as an elector in the constituency where he would be ordinarily residing if it were not for the war; also that when a man had just left the army, one month's residence in the constituency would suffice.

The problem of the voting was solved by instituting an "Absent voters list." Under this system, any person who is registered as an elector and proves that his business will render it improbable that he can be in the constituency on the polling day, may have his name placed on a separate list as an absent voter and, in that case, he will be allowed to send his ballot paper to the Returning officer by post.

This scheme would meet the needs of all soldiers and sailors who are within a week's post from home, and it was accordingly adopted by Parliament for all but the distant theatres of war. For the latter places the House of Commons introduced a system of voting by proxy. These two methods will now make it possible for the greater part of our forces to record their votes at the next election.

A word should be said about the University vote. There was on this, as on other questions, divergence of opinion as to the continuance of this peculiar franchise. The Bill of 1912 proposed to abolish the University constituencies, and there has always been considerable public demand that such an anomaly in democratic representation should cease. Many people have considered it indefensible to leave Oxford and Cambridge each with two Members of Parliament returned by an electorate of about 7,000 Masters of Arts, most of whom are country parsons, having no real interest in their Universities. The Conference agreed to continue the anachronism of University constituencies on condition that the representation was democratised by including in the electorate every graduate, and by giving representation to the new Universities in the provinces. They also introduced a system of voting which would afford an opportunity for the minority to secure representatives.

Several other questions which had formerly given rise to keen disputation were satisfactorily cleared away by the Conference. It was decided that, at a general election, all polls should be held on the same day; also that the expenses of the Returning Officer should be paid by the State and that the maximum amount that a candidate

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may disburse should be reduced very largely. Thus, elections will be simpler, shorter, and less expensive and, thereby, it is to be hoped that the restrictions that have prevented a free selection of candidates will be removed.

These changes will probably lead to a multiplication of candidates and, therefore, in order to deal with the difficulty of triangular contests, a majority of the Conference suggested the system of voting known as the "Alternative vote," whereby the return of a member by a minority vote will be avoided. This proposal, however, was only carried through the Commons by small majorities, and was ultimately rejected by the House of Lords.

The Conference also proposed the adoption of the single "Transferable vote" for elections in London and other towns returning more than two members. This system, known generally as "Proportional Representation" was recommended as part of the compromise because certain members held that so large an extension of the franchise could not be accepted unless accompanied by a method whereby the minority could be sure to secure some representation. This recommendation met with much opposition in the House of Commons and was rejected by large majorities on four different occasions. The House of Lords, however, inserted clauses applying Proportional Representation to the whole country, but upon the Commons refusing to agree to this the Lords made a further proposal that Commissioners should be appointed to prepare a scheme under which 100 members should be elected to the House of Commons on the principle of Proportional Representation in constituencies in Great Britain returning three or more members, such scheme to become operative only if adopted by both Houses of Parliament. As the Government supported this compromise, it was accepted by the House of Commons, and is incorporated in the Act.¹

Amongst minor matters the Conference considered the question of pauper disqualification. For many years objection has been taken to the fact that a man loses his vote if he or any of his dependants receive poor relief. Indeed, men have been disfranchised by some relative having been compelled to go into a lunatic asylum. The Conference resolved unanimously to do away with the latter disqualification and, by a majority, they proposed to alter the former. The House of Commons has gone further in this direction than the Conference, and has abolished the poor-relief disqualification entirely except as regards paupers actually resident in a workhouse.

The reference to the Conference contained instructions to submit

¹ The scheme, when drawn up, was not accepted by the House of Commons.

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a basis for the redistribution of seats. No reform of the Franchise could be satisfactory unless accompanied by redistribution. In the course of time the inequalities amongst the constituencies had become a scandal. For example, the electorate in St. George's-in-the-East was 3,279, whilst that of the Romford Division of Essex was 62,878. Numerous boroughs which had been spared in 1884 now contain so small a population as to render it impossible that they should continue to be separate constituencies, in view of the growth of population throughout the kingdom. The question had to be approached with care, since the adoption of an absolutely rigid rule, based on population alone, would have caused discontent in many places where the inhabitants value their independence and individuality. The Conference adopted the principles (1) that each vote recorded should, as far as possible, command an equal share of representation in the House of Commons, and (2) that it was advisable not to enlarge the total membership of the House of Commons. They found that by assigning one member to every 70,000 population, these two conditions could be approximately complied with, and they therefore took this figure as the standard unit for each member; but in order to allow a certain freedom to the Boundary Commissioners, they laid it down that a defect of 20,000 should not involve the loss of a member. This meant that no County or Borough containing 50,000 inhabitants would lose its separate representation, whilst if the population was between 120,000 and 190,000 two members might be allowed; between 190,000 and 260,000 three members, and so on.

As it was very necessary to assimilate the areas of Parliamentary representation to those of local administration, the Conference resolved that the boundaries of Parliamentary Constituencies should, as far as practicable, coincide with those of administrative areas. They suggested that new Parliamentary boroughs might be formed out of Urban districts; that two or more boroughs might be combined; that adjacent industrial or rural areas should be segregated, if possible, and where ancient boroughs had to be merged in a county, the new county division should take the name of the borough. The adoption of a population basis necessarily involved the disappearance of many boroughs and the alteration of many county divisions, but the recommendations of the Conference aimed at conserving to the utmost historic areas and names. In fact, they went so far in this direction as to preserve the double Parliamentary representation of the City of London, in spite of the fact that its resident population had dropt to less than 17,000 souls.

Thus, the Conference prepared a way for electoral reform along which all but the most reactionary politicians felt they could move

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with confidence and safety. That this was so is proved by the fact that Parliament has now embodied almost all their recommendations in the Representation of the People Act, 1918. This great statute, equal in importance to, and more far-reaching than the Reform Act of 1832, has been passed with little or no obstruction or sign of party bitterness. As stated by Mr. Speaker, in his report to the Prime Minister, the desire of all the members of the Conference was "to render a service which might prove of the highest value to the State, and result in equipping the nation with a truly representative House of Commons." This desire has been realised to an extent that the most sanguine member of the Conference could hardly have expected, and it now rests with the nation to so use its new political rights that history may regard the Speaker's Conference of 1916 as having opened a new era of national life and national prosperity.

EXTRACT II. THE REPRESENTATION OF THE PEOPLE ACT (1918)¹ :

PART I: FRANCHISES

Parliamentary Franchises (Men)

1. (1) A man shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if he is of full age and not subject to any legal incapacity and —

- (a) has the requisite residence qualification; or
- (b) has the requisite business premises qualification.

(2) A man, in order to have the requisite residence qualification or business premises qualification for a constituency —

(a) must on the last day of the qualifying period be residing in premises in the constituency, or occupying business premises in the constituency as the case may be; and

(b) must during the whole of the qualifying period have resided in premises, or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water, not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

For the purposes of this subsection the administrative county of London shall be treated as a parliamentary borough.

(3) The expression "business premises" in this section means

¹ 8 George V, Chapter 64.

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land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered. . . .

University Franchise (Men)

2. A man shall be entitled to be registered as a parliamentary elector for a university constituency if he is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency, or in the case of the Scottish universities is qualified under section twenty-seven of the Representation of the People (Scotland) Act, 1868, or in the case of the University of Dublin has either received a degree (other than an honorary degree) at the university, or has obtained a scholarship or fellowship in the university, whether before or after the passing of this act. . . .

Local Government Franchise (Men)

3. A man shall be entitled to be registered as a local government elector for a local government electoral area if he is of full age and not subject to any legal incapacity, and —

(a) is on the last day of the qualifying period occupying, as owner or tenant, any land or premises in that area; and

(b) has, during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situated:

Provided that —

(i) for the purposes of this section a man who himself inhabits any dwelling-house by virtue of any office, service, or employment, shall if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant;

(ii) for the purposes of this section the word tenant shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state. . . .

Franchises (Women)

4. (1) A woman shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she —

(a) has attained the age of thirty years; and

(b) is not subject to any legal incapacity; and

(c) is entitled to be registered as a local government

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elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds or of a dwelling-house, or is the wife of a husband entitled to be so registered.

(2) A woman shall be entitled to be registered as a parliamentary elector for a university constituency if she has attained the age of thirty years and either would be entitled to be so registered if she were a man, or has been admitted to and passed the final examination, and kept under the conditions required of women by the university the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.

(3) A woman shall be entitled to be registered as a local government elector for any local government electoral area —

(a) where she would be entitled to be so registered if she were a man; and

(b) where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside, and she has attained the age of thirty years, and is not subject to any legal incapacity.

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification. . . .

Qualifying Period

6. The qualifying period shall be a period of six months ending either on the fifteenth day of January, or the fifteenth day of July, including in each case the fifteenth day: . . .

Right of Person Registered to Vote

8. (1) Every person registered as a parliamentary elector for any constituency shall, while so registered (and in the case of a woman notwithstanding sex or marriage), be entitled to vote at an election of a member to serve in Parliament for that constituency; but a man shall not vote at a general election for more than one constituency for which he is registered by virtue of a residence qualification or for more than one constituency for which he is registered by virtue of other qualifications of whatever kind, and a woman shall not vote at a general election for more than one constituency for which she is registered by virtue of her own or her husband's local government qualification, or for more than one constituency for which she is registered by virtue of any other qualification. . . .

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Provisions as to Disqualifications

9. (1) A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he or some person for whose maintenance he is responsible has received poor relief or other alms. . . .

(5) Any incapacity of a peer to vote at an election, arising from the status of a peer, shall not extend to peeresses in their own right. . . .

PART II: REGISTRATION

Spring and Autumn Registers

11. (1) Two registers of electors shall be prepared in every year, of which one (in this Act referred to as the spring register) shall be made for the qualifying period ending on the fifteenth day of January and the other (in this Act referred to as the autumn register) shall be made for the qualifying period ending on the fifteenth day of July.

(2) The spring register shall come into force on the commencement of the fifteenth day of April and remain in force until the fifteenth day of October, and the autumn register shall come into force on the commencement of the fifteenth day of October and remain in force until the fifteenth day of April. . . .

[Sections 12-16 provide that each parliamentary borough and parliamentary county shall be a registration area and that the county clerk or town clerk, according to circumstances, shall act as registration officer; that an appeal shall lie from any decision of such officer to the county court and upon any point of law from the county court to the court of appeal; and that the expenses of registration shall be paid by the county council or the borough council, as the case may be.]

Special Provision as to Registration of Freemen, etc.

17. (1) A freeman of the City of London being a liveryman of one of the several companies who is entitled to be registered as a parliamentary elector in respect of a business premises qualification within the city, shall be entitled, if he thinks fit, to be entered in a separate list of liverymen in the register of parliamentary electors, and to record his vote for Parliament as a liveryman.

(2) The foregoing provision shall apply to the freemen of any borough if the council of the borough so resolve, and the expression "freemen" shall include any persons by whatever name called

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enjoying in that borough rights similar to those enjoyed by freemen of the City of London in that city.

Register for University Constituencies

19. The foregoing provisions of this Part of this Act shall not apply to university constituencies, but the governing body of every university forming, or forming part of, a university constituency shall cause a register to be kept in such form and made up, if desired, to such dates as they may direct of persons entitled to vote in respect of a qualification at their university, and shall make the register available for the purpose of university elections for the constituency, and shall on the application of any person allow that person at all reasonable times to inspect and take extracts from the said register:

Provided that the governing body may direct that a person who before the passing of this Act has received a degree, but was not entitled to vote in respect thereof, shall have no right to be registered unless he makes a claim for the purpose.

The governing body of any such university may charge such fee as they think fit, not exceeding one pound, in respect of registration to any person who receives a degree at their university after the passing of this Act, or who has received a degree before the passing of this Act but was not entitled to vote in respect thereof.

PART III: METHOD AND COST OF ELECTIONS

Proportional Representation

20. (1) At a contested election for a university constituency, where there are two or more members to be elected, any election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act. . . .

Polls to be held on one day

21. (1) At a general election all polls shall be held on one day, and the day fixed for receiving nominations shall be the same in all constituencies. . . .

Voting by absent Voters

23. (1) For the purpose of giving persons whose names are entered on the absent voters list an opportunity of voting at a parliamentary election (other than a university election), the returning officer shall, where an election is contested, as soon as practicable after the adjournment of the election, send a ballot paper to each

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such person at the address recorded by the registration officer, together with a declaration of identity in the prescribed form.

(2) The ballot paper marked by the absent voter and accompanied by the declaration of identity duly signed and authenticated shall, if it is received by the returning officer before the close of the poll, be counted by him and treated for all purposes in the same manner as a ballot paper placed in the ballot box in the ordinary manner.

[Section 25 provides that during the election campaign a candidate may use public elementary schools for his meetings, but that he must defray expenses thereby incurred by the school authorities and make good any damage done to the schoolhouse or its equipment.]

Deposit by Candidates at Parliamentary Elections

26. (1) A candidate at a parliamentary election, or someone on his behalf, shall deposit, or cause to be deposited, with the returning officer, during the time appointed for the election, the sum of one hundred and fifty pounds, and if he fails to do so, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872. . . .

Forfeiture of Deposit in certain Cases

27. (1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the number of votes polled divided by the number of members to be elected, the amount deposited shall be forfeited to His Majesty; but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member, and where the candidate is not elected, as soon as practicable after the result of the election is declared:

Provided that where a candidate is nominated at a general election in more than one constituency he shall in no case recover his deposit more than once, and in such case the deposits shall be forfeited to His Majesty except such one as the Treasury direct to be returned to the candidate. . . .

Payment of Returning Officers' Expenses by Treasury

29. (1) The returning officer at a parliamentary election (other than a university election) shall be entitled to his reasonable charges, not exceeding the sums specified in the scale of maximum charges

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framed under this section, in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him for the purposes of or in connection with the election.

(2) The amount of any such charges shall be paid by the Treasury out of moneys provided by Parliament on an account being submitted to the Treasury in accordance with regulations made under this section; . . .

(4) The Treasury shall prescribe a scale of maximum charges for the purposes of this section and may revise the scale as and when they think fit, and may also make regulations as to the time when and manner and form in which accounts are to be rendered to them for the purpose of the payment of the charges. . . .

Scale of Election Expenses

33. (1) The provisions set out in the Fourth Schedule to this Act shall be substituted for Part IV and paragraph (3) of Part V of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883, (which relate to the maximum scale of election expenses), and that Act shall have effect accordingly.

(2) Any candidate at a parliamentary election shall, subject to regulations of the Postmaster-General, be entitled to send, free of any charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight. . . .

Expenses incurred by unauthorised Persons

34. (1) A person other than the election agent of a candidate shall not incur any expenses on account of holding public meetings or issuing advertisements, circulars or publications, for the purpose of promoting or procuring the election of any candidate at a parliamentary election unless he is authorised in writing to do so by such election agent.

(2) If any person acts in contravention of this section, he shall be guilty of a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression "corrupt practice" shall be construed accordingly:

Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.

(3) Any expenses incurred on account of any such purposes as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses. . . .

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SCHEDULES

[The first schedule lays down rules for the compiling of the register. There shall be a separate register for each registration unit (a parish or part of a parish); and this shall show in separate lists persons who are entitled to vote both in parliamentary and local elections, only in parliamentary elections, and only in local elections. "It shall be the duty of the registration officer to cause a house to house or other sufficient inquiry to be made," compile and publish the proper lists of voters, and at the same time give public notice as to how and when claims and objections may be entered. He may, however, require the overseers of any parish to make the necessary inquiries as well as to prepare and publish the lists; in which case any reasonable charges incurred shall be paid by the registration officer.]

The schedule next details the procedure under which persons not entered upon the register or incorrectly entered may submit their claims, and under which persons entered upon the register may object to the appearance of other names upon the lists.]

Consideration of Objections

20. The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose shall give at least five clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

Consideration of Claims

21. The registration officer shall also consider all claims of which notice is given to him, in accordance with these rules, and in respect of which no notice of objection is given, and, if he considers that the claim may be allowed without further inquiry, shall give notice to the claimant that his claim is allowed.

If the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by him. . . .

Correction of Lists

23. The registration officer shall make such additions and corrections in the electors lists (including the absent voters list) as are required in order to carry out his decisions on any objections or claims. . . .

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Objections to Corrections

25. Where the registration officer makes any correction in the lists (including the absent voters list) otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice to the person affected by the correction, and give that person an opportunity of objecting to the correction, and, if necessary, of being heard with respect thereto. . . .

Notice of Appeal from Registration Officer

29. A person desiring to appeal against the decision of a registration officer must give notice of appeal in the prescribed form to the registration officer and to the opposite party, if any, when the decision is given or within five days thereafter, specifying the grounds of appeal.

The registration officer shall forward any such notices to the county court in manner directed by rules of court, together, in each case, with a statement of the material facts which, in his opinion, have been established in the case; and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish to the court any further information which the court may require and which he is able to furnish.

SECOND SCHEDULE

Part I Modifications of the Ballot Act, 1872 (First Schedule)

The following provisions shall be inserted in the First Schedule to the Ballot Act, 1872, after Rules 2 and 14, respectively, that is to say:

“2A. In an election of members to serve in a new Parliament of the United Kingdom, the day fixed by the returning officer for the election shall in all cases be the eighth day after the date of His Majesty’s gracious Proclamation declaring the calling of the Parliament.”

“14A. In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll shall in all cases be the ninth day after the day fixed for the election.”

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FOURTH SCHEDULE

Provisions to be Substituted for Part IV of the First Schedule to 46 and 47 Vict. C 51, and for Paragraph (3) of Part V of the same Schedule

Maximum Scale

The expenses first above mentioned in Parts I, II, and III, of this Schedule, other than personal expenses and the fee (if any) paid to the election agent (not exceeding, in the case of a county election £75, and in the case of a borough election £50), without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses mentioned above, shall not exceed an amount equal —

in the case of a county election, to sevenpence for each elector on the register;

in the case of an election for a borough, to fivepence for each elector on the register.

Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III and IV of this Schedule shall, for each of the joint candidate's, be the amount produced by multiplying a single candidate's maximum by one and a half and dividing the result by the number of joint candidates.

EXTRACT III. FOUR WAYS OF DEALING WITH MILITANT SUFFRAGETTES ¹

Mr. McKenna (Home Secretary): I hoped that the Press of all parties might be induced not to give headlines to these matters, and, if possible, not to report them at all, as I am sure that the immediate effect of the denial of all advertisement of militancy would do more to stop their actions than anything the Government can do. I do not say that their reasonable actions, that their speeches, and their arguments, when conducted in a legal way, should not get a full share of advertisement in the Press, but I must say I regret extremely to take up paper after paper and to notice that two or three columns are devoted simply to the advertisement of militancy, thereby carrying out for the women one of the main objects which they have in view in the commission of crime. . . .

What are the alternative methods which have been suggested for dealing with the suffragettes — I mean methods alternative to those now pursued by the Government? So far as I am aware these are

¹ *Parliamentary Debates (Commons)*, Vol. LXIII (1914), columns 522–533.

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four, and four only in number. I have had unlimited correspondence from every section of the public who have been good enough to advise me as to what I ought to do, and among them all I have not been able to discover more than four alternative methods. The first is to let them die. That is, I should say, at the present moment, the most popular, judging by the number of letters I have received. The second is to deport them. The third is to treat them as lunatics, and the fourth is to give them the franchise. I think that is an exhaustive list. I notice each one of them is received with a certain very moderate amount of applause in this House. I hope to give reasons why, at the present time, I think we should not adopt any one of them. Let me take them in their order. Those who say "Let them die if they choose to starve themselves," usually base themselves on the assumption that if they were told that they would be let die they would take their food. Usually — I do not say in all cases — usually the belief is that in the last resort the suffragettes would not die, but would take their food. Let me give to the House, in opposition to that, the opinion of a great medical expert who has had intimate knowledge of the suffragettes from the first, and is, I should say, better qualified now than anybody in the country to form an opinion as to their character and motives. His advice to me is as follows:

"I am of opinion, and this opinion is borne out by statements made by some of the prisoners, that they believe it would help their cause if a suffragette died in prison. That they desire to risk this, to put it on the lowest estimate, is clearly shown by the fact that the prisoners refuse and violently resist medical examination; and, what is more suggestive, several of them surreptitiously go on hunger strike — that is, they make out that they are taking their food but are throwing it away, and it is only later, when they begin to exhibit marked signs of exhaustion and symptoms indicative of inanition, that this is discovered."

Mr. Lynch: May we have the name?

Mr. KcKenna: I think it is undesirable for obvious reasons. We have to face the fact, therefore, that they would die. Let me say also, with actual experience of dealing with suffragettes, that in many cases in their refusal of food and water they have got beyond the point when they could help themselves and they have clearly done all that they could do to show their readiness to die. I do not think that anybody who has dealt with them need have any hesitation in declaring his firm conviction that if they were either not fed or were not discharged, they would certainly die. There are those who hold another assumption. They think that after one or two deaths in

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prison militancy would cease. In my judgment there was never a greater delusion. I readily admit that this is the issue upon which I stand and upon which I feel I would fight to the end those who would adopt as their policy to let the prisoners die. So far from it putting an end to militancy, I believe it would be the greatest incentive to militancy which could ever happen. For every woman who dies there would be scores of women who would come forward for the honour — as they would deem it — of earning the crown of martyrdom.

Mr. Rupert Gwynne: How do you know?

Mr. McKenna: How do I know? I have had more to do with these women than the hon. Member — much more. Those who hold that opinion leave out of account all recognition of the nature of these women. I do not speak in admiration of them. They are hysterical fanatics, but coupled with their hysterical fanaticism they have a courage which, a part of their fanaticism, undoubtedly stands at nothing, and the hon. Member who thinks that they would not come forward, not merely to risk death but to undergo it for what they deem the greatest cause on earth, is making, in my judgment, a profound mistake. Many of them want to die, and those who want to die would be supported by numbers of others who would admire what they would call their heroism and who would offer themselves as willingly for death as the persons who preceded them. When we remember that to these women crime is used as a demonstration, we must not forget that there can be no method for rendering the demonstration more effective than the dying in prison. They would seek death, and I am sure that however strong public opinion outside might be to-day in favour of allowing them to die, when there were twenty or thirty or forty or more deaths in prison you would have a violent reaction of public opinion, and the hon. Gentleman who so glibly now says, "Let them die," would be among the first to blame the Government for what he would describe as the inhuman attitude they had adopted. . . .

The next suggestion is one which recommends itself very strongly to the Noble Lord — that of deportation. But has he thought it out, has he really given his mind to the subject of deportation? How do you get rid of the difficulty? It is only putting it at a distance. To where am I to deport the prisoners? I cannot send them out of the country. I must send them to somewhere within the country. I will take St. Kilda as a convenient island. (An Hon. Member: "The Scilly Isles!") Am I to treat the Island of St. Kilda as a prison or not? If I am to treat St. Kilda as not a prison, the wealthy supporters of the militant movement will very quickly fit out a yacht and bring the prisoners away. Obviously, I must treat it as a prison.

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If I treated it as a prison, how should I get rid of a hunger or thirst strike? Putting them 500 or 800 miles away would not alter the fact. If they hunger strike in London, they will hunger and thirst strike in St. Kilda.

Lord Robert Cecil: Of course, you cannot prevent them starving themselves. They might all starve tomorrow if they like. No Government can undertake to keep women alive who insist on starving themselves. Except for the fact that they would not be allowed to leave the island, they would be as free in the island as anywhere else.

Mr. McKenna: Is this to be a prison or not a prison?

Lord Robert Cecil: They are not to leave the island.

Mr. McKenna: Then it is a prison. That is the difficulty. I should never pass over any suggestion made by the Noble Lord without giving it most serious consideration. We have considered it, and the first difficulty with which we are confronted is, how are we to treat St. Kilda? Are we to regard St. Kilda as a prison or as not a prison? If it is a prison, that is to say, if they are not allowed to leave St. Kilda, it becomes a prison. (An Hon. Member: "No!") Inevitably so. A place is not less a prison because you enlarge its area.

. . . The third suggestion, which met with some applause in the Committee, is that they should be treated as lunatics. Whether people should be treated as lunatics or not is a medical question. I could never come down to this House and ask Parliament to sanction an Act which expressly defined people as lunatics who had not been so certified by medical experts.

Mr. Pringle: How about the Mental Deficiency Act?

Mr. McKenna: On many occasions when there has been a sufficient appearance of insanity to justify medical inquiry I have had the prisoners examined by doctors. In no case have they been willing to certify them as lunatics. I cannot get certification by Act of Parliament contrary to the advice of medical opinion. Therefore, I put that on one side as impracticable. So long as the doctors are of opinion that monomania, as this may be, is not lunacy within the meaning of the Act, they cannot certify them as lunatics.

Mr. Pringle: It comes under one of the categories of mental deficiency.

Mr. McKenna: No, Sir, it does not. I know what my hon. Friend refers to, but he is not so familiar with that Act as I am. They have to be mentally defective as well as the victims of some other disorder.

Mr. Newton: Can the right hon. Gentleman say whether the treatment of these women as lunatics would really alter the problem of forcible feeding at all?

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Mr. McKenna: No, it is not expected to alter the problem. What is thought is that the indignity of being sent to Broadmoor as criminal lunatics would bring them to their senses. I am treating the proposition from that point of view. Of course, forcible feeding is no doubt undertaken in lunatic asylums very largely, and they would come under the ordinary rule which now deals with lunatics in that matter. There remains the last proposal, that we should give them the franchise.

Mr. William Redmond: That is the right one.

Mr. McKenna: Whatever may be said as to the merits or demerits of that proposal, it is clearly one I cannot discuss now in Committee of Supply. I am not responsible, as Home Secretary, for the state of the law on the franchise, nor is there any occasion for me to express or conceal my own opinions on that point, but I certainly do not think, and I am sure the Committee will agree with me, that that could be seriously treated as a remedy for the existing state of lawlessness. Although I am bound to say the Noble Lord gave no sanction to the idea, so far as I can judge the complaint that is generally raised in the Press against what is called the supineness of the Government is that these women are not punished for their offences. It is said they commit these crimes and go scot-free. There never was a greater delusion in this world. It is quite true that many of these women after conviction in the first instance only, perhaps, serve six or eight days out of a sentence of many months. What happens to them? Are they punished? They may not get the precise punishment immediately in the form adjudicated by the magistrate, but are they punished in fact? What do the first six or eight days in prison mean under the self-inflicted torture which they impose upon themselves? No food, no water. That is some punishment, at any rate, and a very severe punishment. In my judgment six or eight days of hunger and thirst strike without food or water is far more severe than two or even three months' imprisonment under ordinary conditions of prison life. It is true that one would be imposed by the magistrate and the other is imposed by themselves, but it is punishment. Perhaps they are discharged at the end of six or eight days. What happens to them then? Their sentence remains open.

An Hon. Member: They burn another church.

Mr. McKenna: Has the hon. Member any ground for saying that? Let him give me the case to which he refers. It is these sort of popular delusions which are doing the work of the suffragettes. That kind of statement is made to annoy the public. That is what the advocates of the suffragettes want to do. The hon. Member should not make these statements unless he has facts to back them

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up. I am dealing with the point whether they are punished for their offences. The sentence remains open. They are rearrested in two or three weeks and go through it again. Then they are liberated. If the offence has been a more serious offence, such as arson or the destruction of works of art, they are forcibly fed. First of all they go through the hunger and thirst strike and then they are forcibly fed. That is continued as long as their health will stand it. They are liberated and the sentence still remains open. Is not that punishment? And owing to their misconduct they are punished far more heavily than if they served their sentence. The Noble Lord says we do not prevent persons from committing another crime during the currency of the sentence. We cannot prevent ordinary criminals from committing crime. The Noble Lord means, therefore, that a prisoner sentenced under the Cat and Mouse Act and discharged commits an offence after discharge during the continuance of the sentence. I do not think there are as many cases as he thinks there are. But what is the alternative? What happened before the Cat and Mouse Act? They were discharged and the sentence did not remain open. That did not get rid of their liability to commit offences again any more than we get rid of the liability of an ordinary criminal to commit offences again. The Noble Lord speaks as if this were something new. There are criminals who are discharged every year from our prisons of whom we may know with absolute certainty that before another twelve months is out they will be back again in prison, having committed fresh crimes — that is a normal condition of criminal life — and yet we discharge them. Would the Noble Lord keep them in prison for ever? Not at all. He admits that after the expiration of the sentence society has to submit to the commission of fresh crimes. What evidence is there that many of these crimes are again committed by the same persons? I have here an analysis of all the prisoners who have been discharged under the Temporary Discharge Act. The total number has been eighty-three. What has been their subsequent history? Eleven of these are now in prison, eight have served out their sentences or paid their fines and fifteen have abandoned militancy, and it is not proposed to rearrest them. Of the rest six have fled the country and are living abroad, twenty are in hiding in this country, and the remainder, consisting chiefly of women under short sentences for taking part in the recent disturbance at Buckingham Palace are at addresses known to the police, and can be arrested if they come out. Some of these are still legally at large under their licenses. When we analyse this, we see that the Cat and Mouse Act, so far from being completely ineffective, has had several good effects. It has operated in inducing fifteen out of eighty-three to give up mili-

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tancy. Secondly, it has caused six, at least, to fly the country. That is deportation at their own expense.

EXTRACT IV. A LABOR VIEW OF WOMAN SUFFRAGE ¹

Mr. J. R. Clynes: We have heard of the awful consequences that would follow the giving of the vote to the women of this country. We can cast our minds back to similar forecasts which formed the body of speeches made in this House and in the country on every occasion when it was proposed to extend the franchise to anybody except the privileged persons who happened to possess the vote at that time. The fact is that in a very considerable number of cities and boroughs to-day women are the deciding element in elections, or could be if they desired to unite as a sex and cast their vote on one particular line because they are women. There are hundreds of thousands of women on the municipal register, yet town and county council government has not in any way suffered on that account. It is a delusion, for which men should be ashamed, for them to conclude that if we give votes to these millions of women it is certain that they will all act and vote alike as women and that there would be no difference of opinion on the great and varied questions with which they would have to concern themselves. History, experience, and the general working of politics and political parties show that women are no more likely to be agreed upon such questions than men. If, with the vote, women would be absolutely unanimous as a sex, one might well ask, "How is it that without a vote they are not so united?" Women are divided now in politics, in labour organisations, in Liberal and Conservative organisations — indeed I believe it is to be found that some twenty-seven or twenty-eight separate organisations for women already exist with the particular purpose of getting the vote. The very number of those different organisations is a proof of the inherent quality of difference in the case of women, as in the case of men.

Organised labour has a very definite point of view on this question, and has maintained it for years. It is that women should enjoy the same rights of citizenship as men. Their functions only differ from ours. It cannot be said that they are of less service than men are in the eye of the State, and war experiences have proved to us that the great reserve force of women's labour has had to be called in in order to replace the men who necessarily have been taken for the Army, and in the performance of their work they have done not only great

¹ *Parliamentary Debates* (Commons), Vol. XCIII (1917), columns 526-531. Mr. Clynes entered the MacDonald Cabinet in 1924 as Lord Privy Seal and leader of the House of Commons.

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credit to themselves but immense service to their country. Indeed it is doubtful if the soldiers now in Flanders, France, and elsewhere could carry on the War — could carry out their orders — if it were not for the hundreds of thousands of women who, even at midnight to-night, will be working in the scores or hundreds of munition factories throughout the country. Their service there is only different in kind, and not necessarily of less value or of less necessity than that of men.

But I would claim that even if they had not rendered this great service to the country in war-time their rights are still as strong and their grounds of claim as good as that of men. They are answerable to the law. We commonly say that people who have to obey the law and observe the general conditions imposed upon units in the community should have some voice and share in the making of these laws and how it is that we have been able for so long to leave to women the right to vote in local elections and withhold it when we come to the larger business of Parliament passes comprehension. But the question has been the subject of heated controversy now for many years past. Public opinion to a very great extent has ranged itself behind the claim of the women. Their service during the War has been the occasion of quite notable conversions to the women's claim. There is not now very much of that opposition in the country which existed prior to the War, and I regard this as a most opportune moment for extending to the women the franchise rights which cannot possibly be long delayed. As to the exact point at which we should begin and how far votes are to extend as a beginning, that will be hereafter for the House to decide and we on these benches welcome the intimation from the Prime Minister that legislation is to follow what we expect will be a quite convincing demonstration in the Lobbies to-night in favour of this long delayed measure of justice to women. It is not on grounds of service that the women should have equality of treatment before the law and should possess any power or privilege which men possess for the making and shaping of the destinies of their country.

The argument is used that while this War is on no controversial question should be introduced or discussed. Had that doctrine applied ever since the War began we could not have gone on with the War at all. Many scores of highly controversial questions have had to be introduced and have been settled by legislation, some of them on a basis of compromise. Indeed, the War period has been used, and I think rightly used, in many quarters in order to try to compose and conclude differences which we found it difficult to discuss or settle during times of peace. For instance, the recurring quarrels between employers and employed in this country are a

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matter for grave regret and a source of great national loss, and suggest to us often the desirability of trying whatever can be done to make it impossible that these quarrels should occur. War-time is pointed out as being supremely the moment when workmen and employers should come together and try to settle this question, so that after the War they can jointly work in the national interest and for the common good. There is no more controversial question that I can think of than the question of the differences between employer and employed. That is a much more controversial question and it divides men more severely than even does the division between man and man or woman and woman on any franchise question. I could mention a dozen different important topics which we are asked during war-time to come together and try to settle, and the reason is really the same reason one might apply to the claim for the women or for any of the changes suggested in the Speaker's Report. It is that the War is producing every month its own crop of problems which cannot be settled during war-time. We can only prepare to settle these questions, and there are scores of committees engaged on that work of preparation and getting ready to settle and solve the difficulties which war-time has created.

The other reason is that after the War, in addition to these questions which the War has produced, it is unlikely that the country will be in the frame of mind for a long time to deal with anything except the products of the War, and now, while Parliament has time, and while the War is being waged, is the time when those of us who have differed keenly upon these questions should, on lines of give and take, upon the broad basis of the compromise suggested in this Report, bring to an end a controversy which will continue to be waged until it is settled. In face of the fact, which common sense dictates, that some settlement is inevitable, the concession of citizenship to women is a matter which cannot long be delayed, and I suggest that this is the best and not the worst time to face facts and try to come to a conclusion. Facing the matter from that standpoint, organised labour convened a great Conference only just over a week ago, attended by more than 400 delegates and representing, generally speaking, the organised workmen and women of the country. At that Conference there was a large body of opinion still determined to press upon Parliament for the full measure of our claim — the establishment of adult suffrage, and many other franchise and registration reforms which we have long demanded. But, after mature consideration, the Conference unanimously resolved to approve legislation, if introduced early and passed into law, on the general lines of the Speaker's Conference Report, thereby forfeiting our demand for the time being for complete adult suffrage

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and for those other reforms to which I have alluded. Broadly, the reason is that a period of compromise is, after all, possible to us in this country, that while War is being waged in other lands we here, in what might be termed, in a certain sense, a state of peace, can use that condition to give and take, and to settle on lines of compromise those highly controversial questions. Men must not think that this is solely their topic, for, whether you admit the right or not, women will persist actively to clamour for their rights until those claims are met. On the lines, then, of the Conference Report, we are not only prepared to see but we eagerly welcome legislation which will make a handsome beginning in the case of women and which would in the case of men remove many injustices and anomalies that now exist in regard to electoral conditions. . . .

EXTRACT V. MR. ASQUITH'S CONVERSION¹

Mr. Asquith (Leader of the Independent Liberal Party): I now come to the fifth point, upon which the Conference report that they were divided, and that their recommendation represents the opinion of the majority. The majority — although, as Mr. Speaker tells us in his Report, in forming the Conference he had endeavoured to obtain on this point an even division of opinion — decided, first, that some measure of woman suffrage should be conferred, and next, to translate that into concrete form, any woman who possesses herself, or is the wife of a man who possesses the proposed new Local Government qualifications — that is to say, six months' occupation as owner or tenant of land or premises, and has attained the specified age, say, thirty, or perhaps thirty-five — shall have the Parliamentary franchise. Here we are upon much more delicate ground. The House will not be unprepared to hear that I myself, and I believe many others, no longer regard this question from the standpoint which we occupied before the War. During the whole of my political life I have opposed the various schemes which have been presented from time to time to Parliament for giving the Parliamentary vote, whether piecemeal or wholesale, to women, while it is only right I should say I have as consistently advocated, and done my best to promote, the opening-out to women of other spheres of activity, which have been in the past confined exclusively to men.

Why, and in what sense, the House may ask, have I changed my views? There was in ancient Greece a poet named Stesichorus, who was ill-advised enough, in a fit of perverted inspiration, to compose a lampoon upon the character and conduct of Helen, the wife of

¹ *Parliamentary Debates (Commons)*, Vol. XCII (1917), columns 468-471.

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Menelaus. She was a lady who had the advantage of being connected by relationship with a god. The result was that Stesichorus was smitten with blindness. Thereupon, I think, after consulting the oracle, he conceived the happy idea of writing a Palinode, some lines of which are preserved by Plato, and in which he developed the novel theme that it was not Helen at all, but a phantom who had simulated her form, and whose elopement with Paris of Troy led to all the subsequent trouble. Thereupon, by way of reward, the poet had his sight restored. I am not going to follow the devious and not very candid procedure of Stesichorus. Some of my friends may think that, like him, my eyes, which for years in this matter have been clouded by fallacies, and sealed by illusions, at last have been opened to the truth. In point of fact, as far as I am concerned — I do not know what is the case with others — there has been no occasion for the intervention of any supernatural agency. I am not the least ashamed — indeed, I am glad to have the opportunity — to disclose the process which has operated on my mind. My opposition to woman suffrage has always been based, and based solely, on considerations of public expediency. I think that some years ago I ventured to use the expression, "Let the women work out their own salvation." Well, Sir, they have worked it out during this War. How could we have carried on the War without them? Short of actually bearing arms in the field, there is hardly a service which has contributed, or is contributing, to the maintenance of our cause in which women have not been at least as active and as efficient as men, and wherever we turn we see them doing, with zeal and success, and without any detriment to the prerogatives of their sex, work which three years ago would have been regarded as falling exclusively within the province of men. This is not a merely sentimental argument, though it appeals to our feelings as well as our judgment. But what I confess moves me still more in this matter is the problem of reconstruction when the War is over. The questions which will then necessarily arise in regard to women's labour and women's functions and activities in the new ordering of things — for, do not doubt it, the old order will be changed — are questions in regard to which I, for my part, feel it impossible, consistently either with justice or with expediency, to withhold from women the power and the right of making their voice directly heard. And let me add that, since the War began, now nearly three years ago, we have had no recurrence of that detestable campaign which disfigured the annals of political agitation in this country, and no one can now contend that we are yielding to violence what we refused to concede to argument. I, therefore, believe, and I believe many others who have hitherto thought with me in this matter are prepared to acquiesce in the

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general decision of the majority of the Conference, that some measure of women's suffrage should be conferred. In regard to the form which their recommendation takes, I understand it has been prompted partly by a desire to prevent a preponderance of female as compared with male voters, and partly by a feeling that a discrimination by way of age was fairer than the setting up of any special class or business qualification. I say nothing on the delicate point of age or ages which are suggested.

A very able and energetic lady, a strong advocate of the cause, came to see me the other day and made a counter suggestion that it was the younger women who most needed enfranchisement, and if age was to come into the matter at all it should rather be at the other end of the scale. I do not pronounce any judgment as between those two views. I myself have always thought, and I have often said, I think in this House, that when once you have resolved to ignore the differentia of sex it was difficult to introduce any other discrimination between the case of women and that of men. That is pre-eminently a matter for adjustment and compromise, and I feel confident the proposal will not be allowed to founder upon that rock.

EXTRACT VI. LORD BRYCE OPPOSES WOMAN SUFFRAGE¹

Viscount Bryce: . . . The one subject on which I propose to ask your Lordships' indulgence for a short time is that which introduces the most novel, the most momentous, and what is clearly the one irrevocable change — that is the introduction of woman suffrage. I have given considerable attention to this subject since I first entered the House of Commons much more than thirty years ago, and I have had the opportunity, while traveling in various countries where woman suffrage has been in operation, of studying its working, and I will endeavour as fairly as I can to state the arguments for and against this change, and to give your Lordships the results of the observations which I have made, and which furnish the only experimental basis upon which you can proceed.

We are asked by this Bill to introduce a new principle, and, as my noble friend has observed, to enfranchise at one stroke six millions of women. In reality, my Lords, we are asked to do much more. Everybody knows that we cannot stop at the limit of thirty years of age, and that we shall have to add a million or two more to the number of women voters before long. Only the other day I received, as I suppose all your Lordships did, a Memorial signed by a name which has become well known in connection with suffrage

¹ *Parliamentary Debates* (Lords), Vol. XXVII (1917-1918), columns 176-190.

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agitation, which protested indignantly against such a miserable, compromising, imperfect measure as this was, and which insisted that each and every woman had a right to the vote. We know perfectly well that this demand will immediately be renewed, and that the cessation of this agitation, which is expected from the concession of woman suffrage by the Bill, will not be attained. I venture to believe that it is the hope of that peace and tranquillity which has led so large a number of persons in another place to change their opinions upon this subject more than any solid arguments for it which exist. But that, of course, is only matter of surmise. I am afraid that if that is their hope they will be disappointed. The agitation will continue until all women have been enfranchised, and the logic of the case seems to be with them, because all the arguments that I have read or listened to bearing upon the enfranchising of these six millions really go to complete enfranchisement — that is to say, to giving the suffrage to women upon exactly the same terms as it is given to men.

The first question which occurs to me to ask your Lordships to consider is, Does the nation desire this change? We have no evidence that it does. We only have in evidence that there is a general desire, if possible, to get rid of the question. The matter has never been before the nation. We do not even know whether women desire the suffrage. It seems to me very doubtful whether, if the question were left to a popular vote of all the women in the country, the change would be carried. If the women were left to themselves I should rather judge, from what limited observations one can make, that it is very probable that the change would be rejected; and I suspect that not a few of the advocates of woman suffrage think so themselves, because we have noticed no disposition on their part to accept the offer of a popular vote. However, I say that only in passing.

I desire to proceed to the substance of the case. Feeling the great difficulty that there is in the matter, feeling the weight of the arguments that have been advanced on both sides, I do not ask your Lordships to accept any prejudiced statement, but I will try to state as fairly as I can what seem to me to be the best arguments for and against. The first argument is that there is an abstract right in every human being to take an active part in the government of the country where he or she lives. As no evidence has been given, or can be given, for the existence of this or any other abstract natural right, the question furnishes no common ground for argument, and we in England have happily never legislated upon the basis of abstract natural rights. It would have very serious consequences for us in our tropical Dominions if we were to proceed upon any such principle. In fact, those are principles which are better suited for

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Petrograd than for Westminster; and, if any one wants to know whither the faith in and the desire to carry out abstract natural rights lead, let him look at the condition of things that now exists in Russia. The only point, I would submit, which is really worth considering is whether this change will be for the benefit of the nation and for the benefit of women themselves — whether, in short, it will give us a better Parliament and a better Government.

One argument which I hear used is that it is a reward which is due to women for the services they have rendered in the war. Do they desire this reward? Was it for the sake of it that they gave us their services so freely in such a noble and unselfish spirit? I think it is disparaging to suggest that those who gave themselves to hospital and Red Cross work, or those who went into munition factories, did so with any thought of having the suffrage given to them as a reward. To think this would be to disparage their sense of duty and their sense of patriotism. And do not those who speak of giving the vote as a reward rather forget that the exercise of the franchise is a duty? It is not a boon. It is a duty to be performed. And if women are generally qualified for the vote and if they need the vote, then they are entitled to it already, whether they have given this service or not; and, if they are not qualified, it is surely no kindness to enforce upon them a duty which they are not now prepared to discharge.

It is also said that the vote is needed as a protection for women in the labour disputes which are likely to arise after the war. This, I suppose, means that there will be a competition for work between men and women when the war comes to an end, and that it is necessary that, in order that women may have a fair chance, they shall be allowed to have the electoral suffrage, and especially to have a right in the passing of laws which are to determine the wages to be paid to men and women. . . . I only ask your Lordships whether this means that we contemplate when the war is over passing laws to fix wages — not merely to fix a minimum wage, as has been done already for some purposes, but to fix wages generally, and especially between men and women. If so, we are adding very largely to the tasks which our Legislature has already undertaken, and the prospect, I think, is not one to be contemplated without anxiety. . . .

More respect seems to be due to another argument — namely, that women need legislation to protect their interests against men in general. Now if this could be shown there would be a real grievance. I frankly admit that if it could be shown to us that women at present are unfairly dealt with by the general law of the land, that there are grievances from which they suffer, in comparison with men, which the law inflicts or permits, then there is a strong case

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for giving them better legislation. But is the law unjust to women in that way? I may venture, if your Lordships will pardon me, to say that I should be particularly anxious to disclaim the slightest right to maintain that any grievance suffered by women should not be at once rectified, because many years ago, before I entered Parliament, I was one of those who worked long and earnestly to remove one grievance that then existed — the defective rights that women had to their own property; and when that was carried, I worked for many years endeavouring to get women a larger share in educational endowments, to see that better secondary as well as elementary education was provided for them, and I had the honour of carrying through Parliament an Act which enlarged the rights of women to the guardianship of their children. So I hope that I should not be indifferent to any case of grievance from which women could be shown to suffer. . . .

As regards property, as regards education, as regards entrance to the professions, I believe the law is now equal and just between men and women. . . .

Now, the interests of women who labour, the wage-earners, are exactly the same as those of men in the same class. The fact is that women are not a class in the sense in which we speak of the various social classes. They are a sex, which is a different thing altogether. And the interests of women in every social class are substantially the same as those of the men who belong to that class. In sanitation, in education, in questions of housing, in questions of the right of combination, as regards sweating in industries — in all these matters the interests of the class are practically the same for men and women. If it is said that the law, although it sufficiently protects men from what is called sweating in certain industries, does not, owing to the peculiar position of women, give them an equal or equivalent protection, let us be told of that, and let us remedy it. But I am not aware that a case of that kind has been made out. If it has been made out, then so far my argument would fail. But I submit that in a case of this kind Parliament would be willing to step in and to remedy the grievance.

The position of women has been, as many of your Lordships will remember, immensely improved by law during the last sixty or seventy years. How was that done? It was done without the vote. It was done by the pressure of public opinion; and surely with a public opinion which has shown itself so capable of remedying these grievances in the past, and which is certainly more sensitive and more alert now than it ever was before, and more animated by humanitarian considerations — surely when we look back upon the work that has been done during these sixty or seventy years, we

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may feel confident that the same spirit will continue to prevail. In spite of what is said about the hostility of men's unions to women's unions, I do not and will not believe that the working men of this country desire to perpetuate any hardship or injustice upon the working women.

I come now to the arguments which are advanced against the granting of the suffrage. Some of them seem to me rather weak, and I do not propose to take up any time with them. I should like to go to what seems to be the one argument which deserves careful examination. It is this — that the immense majority of women are not yet qualified by their way of life, by their knowledge, and by the interest that they take in public affairs, to use the vote to their advantage and to the advantage of the nation. In 1866 and 1867, when we were engaged in discussing the extension of the suffrage, we always assumed as a matter of course that the first thing to be proved was the fitness of those to be enfranchised to exercise the franchise. That was common ground between the Parties in those days. In 1884, when the question again came up and the franchise was extended in the counties, the same argument was used. Those of us who fought for the enlarged franchise were put upon proving that the working men of this country were fit to exercise the franchise. We acknowledged the obligation to prove that, and we thought that we did prove it. But I notice that this kind of argument is considered now to be obsolete. In fact, it is now called by what has become the opprobrious name of a "Victorian doctrine"; and it is not thought necessary to inquire whether any class should be enfranchised, but to inquire only whether they are human beings. As a matter of fact, it is held that when you confer a vote you confer therewith the capacity to use a vote wisely. An answer is always made to this argument, "Are not there plenty of men who have the vote but who are ignorant, who are indifferent, who care more about a football match than they care about their political rights? Yet you give them the vote; if so, why not give it to women also?" It is not to be denied that there is a proportion of our voters who are comparatively indifferent to their civic duties, who do not possess the knowledge enabling them to form a just opinion upon difficult questions. But surely the number of women who are not qualified is incomparably larger than the number of men who are not so qualified; and if the want of knowledge and of interest among the male voters is an evil, why should you increase it enormously by giving the vote to those in whom the want of knowledge and the want of interest are confessedly very much greater?

It was admitted, of course, in 1866 that there was some considerable proportion of the electors who might be thought not fully

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qualified for the vote; but Parliament in those days decided to enlarge the franchise because there were other reasons which made it worth while to take that risk in order that the greater benefits might be obtained. It was felt that our franchise was too narrow, that the foundation of our Government was not wide enough. It was felt that the legislation was not sufficiently regardful of the interests of the working classes; and those were the grounds which induced Parliament then to pass that great extension of the franchise. I have endeavoured to state the argument that this need does not exist in regard to women, because the legislation which benefits them as a class is already passed by the demands which are made by the men who belong to the same class.

It may be asked, Why is it that the women of this country as a whole should be less capable of giving a vote than are men? Is one supposed to be disparaging either the intelligence or the sense of duty of women by making that argument? It has nothing to do with that. Nobody disparages the intelligence of women. Nobody says that women have less, or ought to have less, interest in the welfare of the country. All we say is that the conditions of their life are so altogether different that it is not possible for them to acquire the same knowledge, to have the same practice and aptitude to understand questions, so well as their husbands and fathers and brothers are able to do. The vast mass of them do not move about in the world as men move about. They do not meet and talk about politics; they do not attend meetings; they do not read political news, as we all know, in the way in which men do. I do not deny, of course, that women do read newspapers to some extent. But we all know the heading in a newspaper which is generally put in type as "The Woman's World." That is the part of the newspaper which is supposed to appeal most to women. But how many women whom we know belonging to that class read the political news or know anything of what is passing in the political sphere? Think, for instance, of the large class of domestic servants. Within ten miles of where we are meeting there are probably hundreds of thousands of cooks, housemaids, parlour maids, nursemaids, and those who are called "tweenies," who do not look at a newspaper, and who know nothing at all about what is passing in the political world. We are proposing to give the vote to them all. Take, again, the case of the wives of the agricultural labourers. Many of them do not see a newspaper from the beginning to the end of the year, and they cannot know anything about the political questions which engage us. What is the use of expecting them to give an intelligent and considered vote upon those subjects?

I do not deny that there are plenty of women — in fact, I gladly

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recognise that there are — as well fitted in every respect to give votes as are any members of this House or of the other House. I will take, for instance, a class which it is proposed to enfranchise by this Bill — namely, the graduates of British Universities. I am sure that the women graduates are quite as fitted to give votes as men who have graduated. Take the case of those 500 or 600 ladies who signed a Memorial which was circulated the other day, and no doubt read by your Lordships. It was a remarkable and interesting list, and showed how much more active a part women are now taking in public work. It was a list which was in the highest degree encouraging to those who sympathise with the efforts of women. Everybody known that we should be only too happy to enfranchise those 500 or 600 ladies and the tens of thousands of other women who have equal knowledge of public affairs. If we could give the vote to those tens of thousands without giving it also to the millions who do not possess their knowledge and fitness, I am sure we should all be happy to do so; but to give it to six or eight millions of voters, to give it to 95 per cent. of the women of this country for the sake of the 5 per cent. whom we admit to be fully qualified, would surely be a very bold step.

Again, let me say that the number of women who are qualified or who will qualify is increasing. It is increasing every year, as the causes increase. The number of women who enter the professions is increasing, and I do not doubt that in twenty or thirty years' time the number will be very much larger than it is at this moment. I do not doubt that when the time comes that women in any degree comparable to men take an interest in public affairs and possess the means of giving an intelligible vote upon public affairs, they will receive the franchise. All I ask your Lordships to say is whether that moment has yet come. What will happen when this large number of women is enfranchised? Most of them, if I may judge by what has happened in other countries, will vote with their fathers, husbands, and brothers, but there will be a great number who will not have fathers, husbands, and brothers to go to for advice. How will they vote? They will be got at by the Party organisations. Not having any opinions of their own, they will be easy victims of any representation which is made to them. The organisations and the Party machines will look to it. These organisations, these Party machines for bringing up voters, are, as we all know, inevitable; but the man voter is not so easily got at by the organisations. He has, or may have, an opinion of his own, and he is able to check the representations made to him, and can exercise his own judgment; whereas where the bulk of the electors are women you put a premium upon electioneering arts. What is an election? Is it a

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means of getting at the mind and will of the individual citizen, that he may express himself upon public questions. Where the elector has no knowledge and very little interest, it is not a reasonable and thoughtful vote he can give. It is not a true expression of his mind and will as a member of the nation. A voter of that kind is wax in the hands of the Party machines or the electioneering agent, because he is not possessed of that independent judgment which will enable him to give an independent vote.

There are, as we all know, plenty of amiable enthusiasts who believe that the giving of the vote will confer capacity to use it; that a brighter and better era will forthwith dawn upon this country whenever women come into Parliament; that we shall have politically a new heaven and a new earth, and that women will bring a purer and nobler spirit into politics, because they will always give their vote to the cause of peace and justice. Those hopes, or hopes of that kind, have often been entertained at epochs of history in the past. People are always hoping, and I suppose they will always continue to hope, for great moral changes from mere changes in voting machinery. I should be sorry to throw cold water upon those who indulge these hopes, and certainly I shall not attempt to refute the prophecies which are made of this better time. It has been well said that you cannot argue with a prophet. All you can do is to disbelieve him. If any of these prophecies are realised we shall be very glad of it. But all we can say at present is that in the past they have often been indulged and in the past they have often proved to be baseless.

Your Lordships may, perhaps, ask whether one means by this that women ought to have nothing whatever to do with politics. I am very far from suggesting that women ought not to play their part in public life, and to bring their knowledge and experience into the common stock. But votes are not the only means of doing that. There is such a thing as public opinion, and in the long run it is public opinion which rules in a country like Great Britain. In every enlightened and progressive country legislation follows the march of public opinion, and all the means of forming and guiding public opinion which man possesses are now possessed by women equally. They can write, they can speak, they can bring every means in their power to bear upon those who legislate in order to influence their opinions and form a sound, wise, and liberal public opinion in the nation, and they are doing so. They have the same power of influencing public opinion as men have, where they have the same knowledge, the same character, and the same experience; and when we find this capacity for influencing public opinion in women, in the spheres which they have studied and in which their

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experience has lain, is it not true that we attach just as much importance to it, and are just as willing to defer to it, as to the opinions of men?

I might mention a great many women who have exercised this power in the last generation. I dare say your Lordships will remember two women who had great and special knowledge in two spheres, to whom we all deferred, and whose knowledge and experience were of the greatest value to their country. I refer to Miss Octavia Hill and to Miss Florence Nightingale; and I might mention, among others, if I may be allowed to do so by way of illustration, Mrs. Ward, Mrs. Creighton, Mrs. Henry Sidgwick, and Mrs. Fawcett. There are many others. There are many women who are exercising an influence on public opinion and who are doing far more work than could be done by mere votes, and I hope we shall continue to have more of them. This seems to me, my Lords, to be an answer to the Memorial to which I referred a few moments ago, and which was signed by 600 or 700 ladies. They say that surely there is practical urgency for the representation of women's interests and women's experience in the task of social healing and industrial reconstruction. To that we should all heartily agree. We desire all the help that women's interest and women's experience in the task of social healing can give us. But they can give us that now without votes, as they have done in the past. We shall obtain it better by inviting their advice and valuing it than by throwing the decision of the greatest issues of national and Imperial policy into the hands of millions who have no knowledge of and have given no thought to the tremendous issues that are before us. . . .

This leads me to the last point I desire to put to your Lordships. It is a very unexpected result. The granting of the vote to women has had no appreciable effect in increasing the interest that women take in public affairs. There is less interest taken in public affairs, either in the suffrage States of the Union, or in Australia, or in New Zealand, than is taken by women in this country. You find a larger number of women here who study politics, think about politics, talk about politics, and take part in political work than you do in Australia or in New Zealand, or in the United States, in those places where the women have votes. This conclusion warns me from venturing any attempt at prophecy, and I make no prophecy. I will not venture to say what the results of woman suffrage will be if introduced in this country, beyond those considerations which I have already laid before your Lordships' House. But this I do venture, respectfully, to submit — that no great and ancient nation, with a complicated civilisation like ours — not even France, the home of abstract ideas — no great nation has ever yet tried this

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bold experiment, and no sufficient reason has been shown why we, with all the large and difficult problems, national and Imperial, that now confront us, should, without any expression of the people's will, be the first great nation to launch out into what is for us a wide and uncharted sea.

CHAPTER V

THE HOUSE OF COMMONS

ALTHOUGH the House of Commons still holds, through the world, a high reputation for efficiency, its prestige at home has sensibly diminished in the last ten or fifteen years. Abundant evidence of this decline in public respect may be found in newspapers, magazines, and books --- even in the proceedings of the House itself. Outside Parliament organized forces are at work which in some measure tend to supplant the House in determining matters of grave concern; thus in 1916 the Asquith cabinet was overthrown, not by any vote of want of confidence, but mainly because of insistent criticism in the Northcliffe press (Chapter II, *Extract 3*), and in August, 1920, the foreign policy of Lloyd George, at least in appearance, took a new line in face of threats from Labor's Council of Action. In reality the decadence of representative assemblies is a world-wide phenomenon, quite as obvious in France or in the United States as in Great Britain. But, as the materials in this chapter will show, those who concern themselves with the situation of the House of Commons usually treat their problem as an isolated one and seek only local explanations and remedies. Suggested remedies cover a wide range --- from William Coates who, in "The People and Parliament," offers proportional representation as a panacea, to Hilaire Belloc who, in "The House of Commons and Monarchy," sees hope no-

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where but in the overthrow of the House. Some would be satisfied with mere changes in the rules of procedure, with an increase in the number of standing committees, or with restrictions upon the government's power to dissolve the House. The Guild Socialists demand complete reorganization, with producers and consumers separately represented; the Webbs propose two co-ordinate Parliaments, one dealing with political, the other with social questions. Recently "devolution," which would involve some approach toward a federal system, has won a good many supporters.¹

It need scarcely be observed that the critics have pushed their complaints too far. They become absorbed in one aspect of the problem and exaggerate its importance. While the parliamentary machine works less smoothly than it did under the simpler conditions of Gladstone's time, it has met the strain of these post-war years with marked success. No doubt minor adjustments will be made from time to time; but even in this skeptical and querulous age there will be no rash adventure into the unknown.

EXTRACT I. THE FUTURE OF PARLIAMENTARY GOVERNMENT²

Democratic government in England is passing through a crisis of which the country is only vaguely conscious. It feels that constitutional changes are in progress, but it ascribes the causes of discontent to decay in the quality of Members of Parliament or to increasing selfishness and lack of principle amongst its leaders. Neither explanation is true, either in fact or as a diagnosis. The trouble goes much deeper than any defects in personnel. . . .

¹ See Chapter VIII.

² H. Sidebotham, *Political Profiles* (Houghton Mifflin Company, 1922. Published in England by Nisbet & Co., 1921, under the title of *Pillars of the State*), pages 245-251.

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The main current of politics is, as has already been said in these pages, towards a sort of Liberalism, not that of the priests of Abingdon Street, but such as Mr. Lloyd George, if freed from his entanglements, might profess and ensue. But underneath the main current there are undercurrents, and our concern is rather with these. For it is of the future of Parliamentary rather than of national politics that we are now thinking.

The strongest of these undercurrents is the contention between Parliamentary authority and the representative system in politics on the one hand, and what may be called the principle of direct action in government. The direct action party in Labour politics, which seeks to accomplish its ends by economic pressure without reference to the slower methods of Parliamentary persuasion, everyone knows. But there has grown up in Government quarters a direct action party which likes to appeal to the sovereign people direct, through the Press now that the platform is losing its power, and over the heads of its constitutional representatives in the Commons. The extreme jealousy which Parliament shows towards the newspapers is not without cause, for there has been a sensible change in the balance of the constitution; it is like the old jealousy which the senate had towards the comitia and the forum in the later days of the Roman Republic. Between the vast ochlocracy of the electorate which is easiest reached through the megaphone of the newspapers and the Triumvirate of the Inner Cabinet, the representative system is in danger of being crushed out. It is sometimes said that when the Irish question has been settled, the last of the old political issues will have disappeared, and the basis of political controversy will be shifted definitely onto an economic basis. But is not this new issue between the representative system of government and direct rule a political issue of the first constitutional importance?

The victory of the representative system is by no means a matter of course as is generally imagined, for the growth in the power of the Executive is one of the commonplaces of politics, and the methods of politics must constantly be changing their mechanism. The printed word has long been superior to the spoken, and with universal education its mastery has become stronger. Not only is its appeal far wider, but whereas the effect of a speech is transient and the atmosphere of a public meeting is of all most unfavourable to calm deliberation, the printed word can be taken home, read a dozen times, and examined in every possible light. The public meeting is already tending to become obsolescent; the real influence over an electorate is in the printed reports of a meeting, which are usually very inadequate, and in the comments of writers. It may be that the representative system, however useful with a limited

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and illiterate electorate, may be obsolete in a community in which everyone can read. The largest public meeting at an election does not exceed 5,000, which is an exceedingly small circulation for a newspaper, and, moreover, the newspaper appears every day, whereas, even at times of the greatest political excitement, meetings that appeal to a tithe of the circulation of the good daily can only be addressed once a fortnight on the average. It may be that the representative system was only a temporary expedient adapted to small electorates and an illiterate age, and that the printing press will transfer our politics back to the stage at which the fortunes of nations were determined by a forum speech. The printing press, in fact, does enable a prominent politician to gather forty million people in a forum and address them as though they were a crowd of a few hundreds. True, the words are spoken first, but that is only an accident, and it is easy to leave out the speech and deliver it direct to the Press. The future politician may well say to his rival, "You may hold all the meetings if I can control a few newspapers." This is the real menace to the representative system, and to the authority of Parliament.

While the printed word is daily extending its influence, oratory has been as steadily declining in power, and the methods of Parliament, with a few alterations, are what they were fifty years ago. In this unequal competition Parliament must sooner or later succumb, unless it reforms its methods, and with it we shall lose the representative system and revert to the old methods of appeal to the casual crowd in the forum, only the appeal will be in print, and the forum at the fireside of every elector who can read. Already Parliament is dependent on the publicity it receives in the newspapers.

It would be a disaster if direct Cabinet, or worse still merely personal, rule through the newspapers were substituted for the control of Parliament, for no one can see much of Parliament's work without recognising that, however great its imperfections, it is after all superior as an instrument of democratic government to the casual readings and ponderings on what they read of millions of separate electors. But the tendency of the age is very definite, and it is all against the continued authority of Parliament, especially if this is under any suspicion of subservience to party or persons.

What are the remedies suggested for a danger that is grave and more imminent than is generally suspected? The first is an improvement of the House of Commons' methods of doing its work. Question time is the freshest and liveliest time of the day, and it ought to be extended so as to give an opportunity daily for an interpellation or a short debate on the question of the hour. Nothing so shakes the authority of Parliament as its enforced silence on the subjects

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that are most in men's minds. Yet another and very important change would be an extension of the Committee system, which would give Commons Committees the right to call for all relevant documents, to inspect and to prepare a considered report on every subject of importance, and to give independent guidance to the debate.

But there is another and more important reform, if Parliament is to maintain its constitutional position, and the spoken word is not to be defeated by the printed word. Parliament must act; an opinion may be ignored by a popular Press, but acts cannot be. The strategic key of the situation is the right to dissolve Parliament at present possessed by the Government, and the strongest of all the arguments that a Government can use against revolt is the threat that if it is defeated it will go to the country. This power must not remain in the hands of the Government if Parliament is to maintain its position.

Resignation, nothing more, might be borne. But, in fact, resignation means that Parliament, too, comes to an end — in other words, that every Member is fined £1,000 in election expenses, and this power of fine tells heavily against the free and independent Parliament that the country wants. True, the country sent them to Westminster to support a Government and a policy, but surely with their heads on, not without them. If with their heads on, they must be free to vote against the Government; if they are not to be free, Parliament might just as well be a cash-register with 700-odd parti-coloured keys, a complicated mechanical toy for Whips to play with.

It is not only the financial fine that matters. An honest vote on Ireland, by bringing about a General Election, may prejudice half a dozen other reforms in which the House is interested. The independent Member has to ask himself, 'Shall I, by making, for example, Sir Eric Geddes as Minister of Transport impossible, or by throwing out the E.P.D., imperil a settlement in Ireland or a real peace in Europe?' That sort of reflection, so fatal to real independence, should not perplex him, and would not but for the Government's power to have a General Election as and when it chooses. If the Government is defeated in the Commons, it is *prima facie* a sign, not that Parliament should be re-elected, but that the Government should be reconstructed.

What, then, is needed? Simply this: that a Parliament, elected for four or five years — it might be four or three — should sit for its natural term unless it agrees by a vote that it cannot carry on. If it defeats the Government, but does not want a General Election before its time is up, then, if the Government cannot honestly give

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way, a new Government should be formed that will. All Governments will resist a change that so seriously undermines their power over Parliament. All Parliaments should, therefore, work for a reform that will so usefully alter the balance of political power.

Having gone so far, we must go farther. Another dull patch in the lungs of democracy is the fact that as things are, Parliament has no real control over taxation. It cannot propose or impose a new tax, which is as well. But neither can it take off a tax without bringing down the Government. The country, or the greater part of it, rocked with indignation when the Lords threw out the People's Budget. Finance was the concern of the popularly elected chamber alone. But when did the Commons throw out a Budget? When is it going to begin to exercise real control over taxation? And if neither the Commons nor the Lords control, what is our system of taxation but one of Executive requisitions, tempered by the right of the Commons to throw everything in the melting-pot, including the careers of its Members, by defeating the Government and bringing about a General Election?

No, it is not true, as is sometimes said, that the main interest of politics in the future will be economic rather than political. For there is, or should be, a great constitutional struggle ahead between the Executive and the Commons — a struggle in which this time the House of Lords may take part on the same side as the Commons.

EXTRACT II. EXECUTIVE DOMINATION OF PARLIAMENT ¹

[The encroachment of the executive power upon the legislative power so marked in England and America, is here attributed to the play of economic interests. No doubt Mr. Cole would admit that other influences have been at work; above all that, with the growing complexity of the problems that require solution, law-making has become more and more the business of experts.]

We are often asked in these days to bemoan the decay of the power and prestige of Parliament, and the passing of more and more power into the hands of the administration. I am not prepared without further analysis of the situation to join the ranks of those that mourn, or to be comforted if the power and prestige of Parliament can be restored. For, in the main, the passing of power from Parliament to the administration is merely an inevitable result of the real distribution of power in the community.

The growing organisation, coherence, and common consciousness of economic forces outside Parliament have necessarily produced

¹ G. D. H. Cole, *Labor in the Commonwealth* (B. W. Huebsch, 1919), pages 101-104.

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their effects upon the legislative and administrative machine. When capitalist forces are strongly organised, it is more convenient and easier from their point of view to negotiate with the Government and the administrative machine than to argue their case in Parliament. When, therefore, they want legislation in their own interest, or when legislation which affects their interest is introduced, it suits them best to press their case by direct negotiation with the Government. Before the Bill in question is introduced, or at least before there is any real prospect of its passage, the Government meets the various interests concerned, and endeavours, by judicious concessions and compromises, to secure a Bill which satisfies these interests. If such a Bill is secured, the debates in Parliament become largely a formality, and the Government Whips see to it that the measure is passed without substantial amendment.

I have spoken of capitalist interests; but this method is, of course, necessarily employed by Labour as well as Capital. The great Trade Unions are often consulted as well as the great employers: the only difference is that the capitalists are better at the game and that their economic power is the greater.

So much for the facts of present-day economic legislation: now for the commentary upon them. Those who seek a way out of this bargaining by the restoration of the sovereignty of Parliament are knocking their heads against a brick wall. For Parliament is not less in the hands of the great interests than the Government itself: it is merely a less convenient instrument for the normal use of these interests in matters of legislation. If a real attempt were made to restore its sovereignty, Parliament, at the bidding of the interests, would be the first body to object. Economic power dominates both Parliament and the Government; and economic power will therefore be the factor which will decide which of the two is to be the normal instrument of economic legislation.

In fact, although apparently the power of the Government is constantly being increased at the expense of Parliament, only a very superficial observer can be satisfied with this analysis of the situation. What is really happening is that the ruling classes, instead of ruling through the cumbrous and too public machinery of a Parliament which, in the last resort, they control, are more and more ruling directly, by giving their orders immediately to the administration. Such a development is inevitable with the growth of economic organisation. The strongest forces in this country to-day are not Parliament and the politicians, but the organisations representing industrial and commercial Capital. And, a long way behind them no doubt, the next strongest forces are the organisations representing Labour.

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The secret, therefore, of the decay of Parliament and of politics lies not in the wickedness of politicians or even of Governments, but in the dominance of organised economic forces. That is why "Clean Government Leagues" and the like are so manifestly and entirely useless. A capitalist Society is inevitably dominated by economic considerations; and those who denounce the futility and the corruptions of politics would do well to realise that the only way of making them better is by breaking the organised economic power of the capitalist class.

EXTRACT III. THE DECAY OF PARLIAMENT

[More than ten years ago Hilaire Belloc and Cecil Chesterton, in a volume entitled *The Party System*, made an incisive though rather extravagant attack upon the House of Commons. Their pessimistic conclusions are given below.]

The House of Commons has ceased to be an instrument of Government. Its ancient functions have been killed under the prolonged and continuous action of hypocrisy. It affords to-day . . . no more than an opportunity for highly lucrative careers. That career is founded upon the bamboozlement of the public (whose faculty for being duped these professionals hope to prey upon indefinitely), with a complicity of nobodies content to write M.P. after their name as sufficient reward for supporting the Party System: to whom, of course, must be added the lawyers and business men for whom Parliament offers definite financial rewards, and that in proportion to their indifference to their representative duties.

All modern scholarship, we repeat, would tend to say of any institution which had fallen into such a condition that it was past praying for; and history is there with a hundred examples to support this modern conclusion.

We have in history case after case of a national institution falling into contempt and some other more vigorous organ supplanting it. The greatest case of all is of course the slow substitution of the Empire upon the ruins of the ancient Roman system of Government.

It is here precisely that the crux of our problem comes in. Nothing is appearing that can take the place of Parliament. In its decay and futility it still makes our laws, and makes them and unmakes them at a greater rate than it ever did before. True, most of those laws are the work of the permanent officials; but some of them, or some parts of them, are due to the professional politicians.

In other words, the House of Commons, though fallen into a universally recognized decay, is still our only instrument for making

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laws. Nothing is rising to take its place, and in its decay it continues to work very appreciable evil.

The progress of the disease is so rapid, its probable future effect so menacing, that, desperate as it must always be to revive a dying institution, it is the business of every man who cares for his country in the crisis through which it is passing to ask whether some remedy might not be devised.

EXTRACT IV. MONARCHY AS A SOLUTION¹

[Nine years after publishing *The Party System*, Hilaire Belloc once more covered the House of Commons with a destructive barrage. He now abandoned all hope of reviving representative government and applied himself to the discovery of a substitute. *The House of Commons and Monarchy* is a masterpiece of dialectics. No more than an outline of the argument can be given here.]

The Thesis: The House of Commons was formed by, and is essentially part of, an aristocratic State. England having ceased to be an aristocratic state the House of Commons is ceasing to function.

The House of Commons was for fully 250 years really, theoretically still is, the central institution of the English.

Within it the powers of the State were — and in theory still are — concentrated in a degree unknown to any other polity.

Whereas in other modern countries great organisms of capital value to the life of the community, and exercising clearly determined and independent functions, coexist with, modify, and check the executive powers, *here* all was centralized.

From the House of Commons proceeded ultimately all laws, all the appointments of those who interpret and administer laws, and all execution of laws. The Ministers who are still in constitutional theory its servants and responsible to it, nominate all new candidates to the Second Chamber. They not only decide the general lines of foreign and domestic policy, but have absolute power over their details. New universities are created, existing ones reformed under the authority of the House or its Ministers. An established national religion is similarly attached to the Central Parliamentary Executive, and the chief officers of that religion are nominated by the Prime Minister. Even the Magistracy — in all other countries rendered as far as possible independent (through actual constitution, public opinion, or custom) of executive power (an independence regarded

¹ Hilaire Belloc, *The House of Commons and Monarchy* (George Allen and Unwin, 1920), Chapter I (pages 9-14).

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everywhere else in Europe as an essential to freedom) — is here in England so closely linked with the one great organ of government that the specially restricted body of higher magistrates — the Judges (who possess a power incomparably greater than do any of their foreign colleagues) are in great part actually drawn from the membership of the House of Commons, and are always nominated at the discretion of Parliamentarians; while the whole machinery of the lawyers and their personnel, all that the Legal Guild means to this State above every other State, is so closely intertwined with the House of Commons as to be almost indistinguishable from it. Through membership of the House of Commons are attained the great prizes of the legal profession, and the very hours and arrangements of the Commons Debates are moulded to the convenience of the Courts.

What great strength such high centralization has given this country in the past, it needs no wide knowledge of history to confirm. Men eager for freedom and dignity of living in the individual rightly demand the separation of the various powers in Sovereignty. They insist on an independent Judiciary; on a Legislature uncontrolled by the Executive. But men who are concerned rather with the strength of the State, and especially with its action abroad, men concerned with the homogeneity and quiet continuance of their country, coupled with its expansion in foreign dominion and its invincibility against foreign aggression, rejoice to recognize a high and successful centralization of Sovereignty, however masked, or under whatever name.

Nowhere has that centralization proceeded to such lengths as it did in the England of the nineteenth century, especially just after the middle of that period. It may be said with justice that the British House of Commons was, in the generation immediately preceding our own, the most absolute and the strongest Prince on earth. That absolute strength was reflected in the peace within, the proud security without, the vast expansion in wealth and territory which this country could boast from the close of the Napoleonic Wars to times well within our own memory.

Such is the fundamental postulate a man must take before proceeding to any examination of our political case to-day. The House of Commons was everything to England. On it all stood — and it worked well.

To-day, as is notorious, it is working badly; and more and more badly. Its authority is failing, or rather has failed; and from that failure chiefly proceeds the political anxiety of our time.

It is my purpose in this essay to examine first why Parliament has failed; next, the cause of this failure being found, to dis-

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cover what should or may succeed the lost power of the House of Commons.

In this connection two questions have to be answered:

First, whether the organ itself can be healed, i.e., whether the House of Commons can be reformed, or aided in some such fashion as will restore its original position;

Secondly, if this prove impossible, what other organ can take its place.

The thesis I shall maintain is the following:

The House of Commons, though containing a representative element, was, and is, essentially not a representative body, but an Oligarchy; that is, a small body of men segregated from the mass of the citizens and renewing itself. But no Oligarchy works (that is, can be morally accepted or exercise authority) unless it be an Aristocracy. Mere Oligarchy, the mere rule of a clique without the excuse of an imputed excellence, will never be tolerated among men. The whole meaning of Aristocracy is the provision of a sort of worship addressed to the few that govern. Therefore the House of Commons was vigorous and healthy in its function only so long as it was the Aristocratic organ of an Aristocratic State.

For the definition of "The Aristocracy" in an Aristocratic State is, not a body recruited by birth or even from wealth, not a caste (though it may be a caste), least of all a plutocracy, but essentially *an Oligarchy enjoying a Peculiar Respect from its fellow citizens*. Upon the failure of the Aristocratic quality in the House of Commons, upon the decline of that body into a clique no longer respected, its moral authority disappeared; and, with that moral authority disappeared its power of government.

Meanwhile the functions of this highly centralized form of executive, magistracy, and legislature combined, was vastly increased through the rapid development of the modern State. Hence, a double evil and a double peril were present: the rapid accretion of material power in something which, as rapidly, was growing morally unfitted to exercise that power.

In seeking an issue we shall find that no external reform, nor any act from within, can restore an organism so far decayed as is the House of Commons to-day. We shall further find that no subsidiary body, or bodies, such as a Trades Council or other Chambers can take its *sovereign* place. It must be replaced, and can only be replaced in this Great State by that which is the only alternative to aristocracy in a Great State, I mean a Monarchy. If some form of Monarchy does not succeed to the lost inheritance of the House of Commons, the State will lose its greatness.

Such is the argument I set forth to develop.

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EXTRACT V. THE RESTORATION OF PARLIAMENT: A LIBERAL VIEW¹

We have to recognize, frankly and fully, the peril in which Parliamentary institutions stand to-day. The repute of the House of Commons has rarely been at a lower ebb. The credit, the authority, the good faith of Government have seldom been so generally suspected. The minds of all classes are insensibly turning away from "the talking-shop" and interesting themselves in other and apparently more immediate matters of concern. Ministers themselves hardly trouble to conceal their contempt for the House, at whose good pleasure they hold the reins of office. Members seemingly attach so low an estimate to their responsibilities that for the most part they confine their attendance to the smoking-room and the division-lobby. Parliament seems tired of itself, and even the peril of losing the last vestiges of its prestige can hardly shake it from its lethargy.

Throughout the last decade, moreover, there has been an increasing tendency among various sections of our people to set Parliament at defiance. The outrages of the suffragettes, the "contingent rebellion" of Sir Edward Carson and his Covenanters, were signs of a growing belief in the cult of force. It is impossible to estimate the injury which was done to representative institutions by these two movements, and still more by the enthusiastic support which one of the great parties in the State lent to the latter. The tendency, thus suggested, has been immensely accelerated by the war. War itself is violence, and it breeds a natural impatience of slower methods. Every section in the community which feels itself aggrieved is thinking of the leverage which it can exert upon the public rather than the pursuit of its objects through the regular channels of constitutional agitation. The Triple Alliance, composed of the railwaymen, the miners, and the transport workers, has definitely committed itself to the principle of "direct action" for political ends, and though the Trades Union Congress has rejected the proposal for the movement, it will obviously come up again when circumstances are more propitious.

Liberalism, at all events, must fight this tendency to the knife. It cannot admit either truce or compromise. It has, throughout, been the trustee of Parliamentary institutions, and it cannot allow them to be undermined without betraying its most vital principles. "Direct action" is the most dangerous, as well as the most specious, foe which democracy has met for many years. It comes whispering

¹ Elliott Dodds, *Is Liberalism Dead?* (George Allen and Unwin, 1920), pages 71-82.

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of a larger liberty and a more generous freedom. It tells the workers that Parliament will never give them what they want, and that the strike will prove a short cut to the achievement of their desires. It speaks in the name of a better world and a new and more Christian order. But for all that, its voice is the voice of tyranny. The merits of particular demands are not in question. Once admit that a group within the commonwealth may legitimately hold the rest of society to ransom, and there is an end of democracy. If this principle is accepted, there will be no rule but that of the strongest, and the commonwealth will be broken up into a number of warring factions, the most powerful of which will dictate its orders to the rest. This is oligarchy of the most pernicious sort, and Liberalism, which has always fought monopoly as the evil thing, cannot do other than battle with it to the death.

This is not, however, to say that Parliamentary institutions in their present form are ideal, or that there is no need for radical reform. Merely to inveigh against "direct action," without making any effort to render Parliament more truly representative, would be waste of breath. . . .

Along what lines, then, must Liberalism advance? In the first place the Liberal Party must make the demand for devolution one of the cardinal points in its programme. The House of Commons is overloaded with a mass of detail which does not properly concern it and which takes both its time and its attention from its proper duties. . . . Let us determine that subordinate legislatures for England, Scotland, and Wales alone can relieve the Imperial Parliament of its present congestion and set it free for the larger matters of policy. It may be that it would be wise to extend the principle even further and to divide England, and perhaps Scotland, into areas, in each of which a subordinate legislature would be established, but that is a matter which may be left open for the moment. The important point is that Liberalism should adopt the policy of "Home Rule all round" as an integral part of its programme, and fight for it without rest or compromise.¹

Secondly, it is imperative that Liberalism should accept the principle of "proportional representation" without further cavil or delay. . . . [The present] condition of things makes a mockery of representation. Minorities, which have a claim to make their voice heard in the national counsels, are silenced; reactionary candidates are returned owing to a division in the progressive votes; and the House of Commons becomes an altogether false reflection of the state of feeling in the country. Until this abuse is remedied it will be im-

¹ These paragraphs were written before the Report of the Speaker's Conference. (See below, Chapter VIII, page 257.)

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possible to claim for Parliament the reverence which is its due or to declare that the representative principle is fully operative.

Thirdly, it is necessary that the question of the Second Chamber should be finally settled on a democratic basis. The House of Lords (still unreformed) has the power to hold up the legislation of a progressive Ministry for three sessions, and thus to hamper its activities at every turn. This check does not operate on the opposing party, which may count on a clear passage for any measures which it may see fit to introduce. The precise constitution of the Second Chamber — even its existence — is a matter of debate, but I am convinced that Liberalism cannot afford that it should continue on its present basis. It is indeed possible to question the desirability of having a Second Chamber at all. Already the House of Commons exercises absolute power in foreign and colonial affairs and in matters of finance. These three spheres of influence are precisely those where the risk of ill-considered action is the greatest, but we have yet to learn that the nation has suffered through the supremacy of the Lower House. If, however, it is thought necessary to preserve a revising chamber for matters of domestic legislation, then it should be appointed on a democratic franchise, its powers should be restricted to those of delay, and the hereditary principle should be swept away once and for all.

Another question of importance is raised by the increasing power over the private member which the Cabinet and the caucus have assumed in recent years. This, of course, is not a matter for legislation, but it is none the less one which every Liberal should seriously consider. The private member is more and more becoming an automaton, voting in accordance with the instructions of the party whip and bound by the rigid ties of party organisation. This state of affairs constitutes a grave menace to Parliamentary freedom, and sooner or later will exile every man of intellectual self-respect from the House of Commons. The remedy here lies with the party in the constituencies. It should not ask of its representative that he will toe the line, irrespective of his convictions, but it should give him a wide latitude of personal decision. Once it has assured itself that he is "right" on general principles and is a man of integrity and public spirit, it should not attempt to fetter him too severely in matters of detail. The member of Parliament should be a representative, and not a delegate, and something more should be required of him than a docile obedience to the party whip. At the same time Liberals should watch with jealous eyes the encroachment of the executive on the rights of private members and should resist every proposal which seeks to extend its powers at their expense.

Finally, Liberalism should make a stand on the question of the

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party funds. However exaggerated may be the wholesale charges of corruption which have been made in this connection, it is an indubitable fact that many an honour is conferred, not on grounds of real merit, but because its recipient has contributed largely to the party war chest. It is impossible to discover the extent of the abuse, for no balance-sheet of the party funds is published, but that such an abuse exists no honest man can deny. It is bad enough that the fountain of honour should be thus polluted, but it is even worse that men of large means should be able to purchase a share in the direction of public policy. No word of criticism need be said of any man — whether he belongs to the Liberal, the Unionist, or the Labour Party — who contributes out of his personal resources to the propaganda of his political faith. He has every right to do so, and there is no need for him to be ashamed of his benefactions. But if he be single-minded in his contribution, he can have no objection to the publication of his name. I would urge that the most fundamental of Liberal principles demand that balance-sheets of the party funds should be published, and that the names of all candidates for honours should be submitted to a committee of the Privy Council. Only so can this flagrant abuse be remedied, and politics cleansed of any ugly and ill-seeming taint. There can be no doubt that the present honours system lies at the root of much of the suspicion with which the Parliamentary machine is regarded. Its reformation would be a long step towards the recovery of public confidence. If British Liberalism cannot go to the length of the democracies overseas, in sweeping titles off the slate, it can at least see that titles are conferred only where they are deserved, and that no man, by mere virtue of his wealth, can buy an influence in party counsels.

Such a programme as has been suggested would go far to rescue Parliamentary institutions from the disrepute into which they have fallen. It would, moreover, be in keeping with the highest Liberal principles, and would be in the true line of Liberal policy. But two points more. In the first place, let us remember that Parliament cannot do everything, and that to expect it to create a new heaven and a new earth can only end in disappointment. Parliament can set the mould in which the national life will run; it can remove many injustices, and right many wrongs. But it cannot do more than give every citizen the opportunity of self-development. The ultimate question in national well-being is a moral one, and upon the character and the self-reliance of the individual citizen the strength of the commonwealth must rest. And, secondly, the authority of Parliament must ultimately depend upon the spirit in which men undertake its duties. If the highest conception of statesmanship is that of "political strategy," then we may well

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despair of Parliamentary institutions. Democracy will secure the governors which it deserves, and with it will lie the responsibility if they are petty, or rash, or corrupt. The roots of the decay of the House of Commons are to be found in the lowering of the conception of public service, and until the charlatan and the demagogue have been forbidden its doors, Parliament cannot take its rightful place as the highest expression of the national soul.

EXTRACT VI. PARLIAMENT AND DIRECT ACTION¹

[In preceding extracts reference has been made to the menace of direct action. On August 9, 1920, when British and French policy, on the surface at least, seemed to foreshadow war with Soviet Russia, a special labor conference warned the British Government "that the whole industrial power of the organised workers will be used to defeat this." A "Council of Action" was set up for the purpose of enforcing the demands of labor by a general or partial strike. It may be, as Lloyd George afterwards declared, that war had not been contemplated and that labor was swinging a sledgehammer against an open door. Nevertheless the episode remains highly significant. The trade union leaders offered, not an argument to persuade, but a deliberate challenge to the government; and the matter at issue had nothing to do with industrial conditions. What was this but a demonstration that organized labor, and not Parliament, must have the final word? Similar episodes are likely to occur in the future; for in September, 1924, the Trades Union Congress adopted a resolution which contemplates direct action in any case of threatened war.]

The decision of the French Government to expel Mr. Adamson and Mr. Gosling, the representatives of the "Council of Action" who had gone to France in order to concert with the French Labour party action on similar lines, is unfortunate, and will arouse a good deal of feeling in both countries. But the attitude of Government towards Labour in France is very much less tolerant than in our own country, partly because French Labour is by tradition more revolutionary, partly because it is a far less well-organised and powerful force. In this country we have usually known how to conduct our industrial disputes more or less amicably and on constitutional lines, and though there have been occasions of late when this wholesome tradition has appeared to be in some danger, it has on the whole been safely maintained. Now again it appears to be threatened by the formation of the "Council of Action" and by the policy that body has declared. We are no friends of "direct

¹ *Manchester Guardian Weekly*, August 13, 1920.

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action," or the threat of it for political ends. Parliament is the only safe, as it is the only constitutional, authority for determining policy and giving effect to it, and any attempt by an outside body to usurp power in its place is in essence revolutionary and may lead to the normal consequences of revolution — that is, confusion and civil conflict. Nevertheless it would be a mistake to take too seriously the recent action of the great trade union bodies in regard to a possible war with Russia. To begin with, whatever may have been the case before, there was at the time the Conference was held and the resolutions adopted no longer any serious risk of war between this country and Russia. Nobody wanted it, least of all the Government, and the Labour Conference was merely affirming a policy to which the whole country was prepared to say amen. For the sake of appearances it had to be assumed that there was still real danger, that the country was really drifting towards war, and that the Conference was the appointed instrument for saving it from the abyss. But it was not true. The Labour party has done great service by its determined opposition, in common with a good many other people in this country, to the dictatorial attitude of the Government towards the Russian Government the moment that its victory over the Polish attack became apparent. Such an attitude did imply danger of war. But by the time the Conference had got together the danger was past, and that it was past was due much more to the conciliatory attitude of the Russian Government and to the frank explanations given by its very able envoys in this country than to any other cause.

If on so slight, not to say unreal, an occasion so threatening a course were taken, what people asked themselves, might we not expect in circumstances of real danger and when passions were more violently roused? Happily, English Labour is not exactly as French Labour, and the fact that the right wing of the Labour party was quite as conspicuous as the left at the Conference, and that men like Mr. Clynes and Mr. J. H. Thomas declared themselves in accord with the course adopted, though from one point of view it may appear to remove a safeguard, does in fact show pretty plainly that nothing subversive was intended. How, then, has it all come about? There are probably a variety of reasons. To begin with, the country is sick of war, and organised labour is thoroughly determined that it will have no more of it if by any means it can be prevented. In particular, it is determined that there shall be no more war with Russia, which it has seen steadily harassed and covertly assailed by our Government for the past two years. It is the secrecy, the duplicity, and the chicanery of the whole of this lamentable business which have done so much to undermine the

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credit of Government and to inspire a spirit of something like revolt. When Mr. George fulminates against this irregular uprising of Labour he should remember that his own failure through all this time to shake himself free from the insensate or discreditable influences which thwarted his own clearer sense of what was wise and right is largely responsible for the result which he now deplores. There are, of course, deeper causes. More and more the imperfections of our present system of representation and of the machine of Government are coming to be felt. Labour, on its actual voting strength at the general election, ought to have nearly three times its present representation in the House of Commons, and if it had had this it might have felt rather differently about Parliament, as Parliament would undoubtedly have felt differently about it. The House is not fairly representative of the country, and the Government is not adequately controlled by the House. This is not democratic government in any adequate sense; it is a veiled oligarchy which pays no more heed to the wishes of the country than it thinks its own ultimate safety demands, and in the hands of a clever manipulator like the present Prime Minister becomes something not very unlike a Government by one man. Lastly, the lack of guiding principle in the conduct of public affairs during the past two years has bred a mistrust which is bound to react on the respect for Government and the willingness to abide by the decisions of the constituted authorities. All this has to be borne in mind if we would try to judge fairly of the motives at the back of the responsible Labour leaders who have taken upon themselves to adopt a course in itself so irresponsible.

None the less, so long as we have a government, clearly its authority must be upheld. We cannot do with two Governments, the one existing in order to defeat the other. Whoever has got power must have responsibility, and if the Council of Action should ever prove itself stronger than the Government it would in turn become the Government. In reality the whole danger is probably a good deal less than it might seem. Labour wields a powerful weapon, but so does Government, and in a direct conflict Government must always win unless Labour has the whole force of public opinion on its side. Labour, indeed, does not even profess to act except as the organ of public opinion. There may be a few zealots who would like to establish the dictatorship of a minority, but these pocket Lenins are not numerous, and as Labour grows in power they will diminish. War is a terrible emergency. Its incidence is apt to be so sudden; its results are so enormous and so irretrievable. No Government can ever hope to carry on a war on the modern scale, which has not practically the whole country at its back. But if the whole country

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is at its back, what becomes of the possibility of resistance by Labour? The real function of organised Labour, as of every good citizen, is to keep watch against the causes and occasions of war, as it has never kept watch hitherto, and to use its mighty power betimes for the preservation of amity and peace. It has now an instrument, imperfect indeed and as yet almost untried, in the League of Nations, ready to its hand. It is a new instrument, the latest birth of time, yet destined, it may be, to be the starting-point of a better order in the world. For its success it needs conviction, enthusiasm, and a fixed resolve. Among our governing men it finds little of these, except among the chosen few who belong to no one political party but to the great company of friends of their kind. Let Labour join them and support them. So, indeed, it may effect a real revolution, perhaps the best which the world has seen.

EXTRACT VII. THE WEBBS' SOLUTION: TWO PARLIAMENTS INSTEAD OF ONE¹

[Sidney Webb, the Fabian Socialist, ranks high among recognized authorities on English government. In *A Constitution for the Socialist Commonwealth of Great Britain* he formulated, with the collaboration of Mrs. Webb, "the changes in the British Constitution and in the social and economic structure of the nation that seem to us such as a Socialist Ministry, supported by a Socialist majority in Parliament and among the electorate, would probably be led to propose." The first part of the volume deals in a very illuminating way with existing political and social arrangements; the second part presents the "co-operative commonwealth of to-morrow." The proposed erection of two co-ordinate parliaments, resting upon the same electorate, but entrusted with different spheres of action, should be compared with the schemes of the Guild Socialists.]

With regard to the national assembly or Parliament, in any reorganisation of a completely democratised community, it seems vital to divide, and sharply to separate, what is strictly political government from the control of social and industrial administration. To use an old slogan of Socialists, the government of men must be distinguished from the administration of things. Our conception of the State, which has become almost irretrievably associated with armies and navies, law and punishment, and even imperial autocracy, needs, in a democratised community, to be separated into two parts. What we shall call the Political Democracy, dealing with national defence,

¹ Sidney and Beatrice Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (Longmans, Green & Co., 1920), pages 110-112, 115-127.

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international relations and the administration of justice, needs to be set apart from what we propose to call the Social Democracy, to which is entrusted the national administration of the industries and services by and through which the community lives. The sphere of the one is *Verwaltung, autorité régalienn*e, police power; that of the other is *Wirtschaft, gestion*, housekeeping. The Co-operative Commonwealth of To-morrow must accordingly have, not one national assembly only, but two, each with its own sphere; not, of course, without mutual relations, to be hereafter discovered, but co-equal and independent, and neither of them first or last. We regard this splitting of the House of Commons, as regards powers and functions, into two co-ordinate national assemblies, one dealing with criminal law and political dominion and the other with economic and social administration, not merely as the only effective way of remedying the present congestion of Parliamentary business, but also as an essential condition of the progressive substitution, with any approach to completeness, of the community for the private capitalist.

The Political Parliament and its Executive

Within the sphere of the Political Parliament and its Executive there would fall, in the first place, all of what is called "Foreign Affairs." Whatever may lie in the future in the shape of the direction of all international relations by the Supernational Authority of a League of Peoples, having its own organs for world legislation and world administration, it is plain that no such League and no such Supernational Authority exists, or has more than begun to be established. Each community has, therefore, at the outset, to deal with its own foreign affairs. The same considerations compel the provisional maintenance of defensive armaments on one or other scale of magnitude. Further, so long as the British Commonwealth remains charged with the government of other races or peoples — even if all imperialistic or capitalistic elements were eliminated from that dominion, and if it became merely a temporary guardianship of non-adult communities — the supervision of this charge, and the gradual working out of self-government must long remain part of the functions of the Political Democracy of Great Britain. Within the community too, as well as in its relations with other communities, our lives and liberties have to be protected from aggression by those abnormal citizens whom we stigmatise as criminals; and controversies between individual citizens and the State as well as those among citizens have to be authoritatively adjusted. The maintenance of order and of the Courts of Justice would, therefore, also fall within the sphere of the Political Democracy. The Political Parlia-

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ment of the Democracy will need, accordingly, as its chief executive officers, not only a Premier as its responsible general executant, but also a Minister for Foreign Affairs; one or more Ministers for the Dominions, India, the Crown Colonies and the Dependencies; one or more Ministers of National Defence; and a Minister of Justice. It would, in short, correspond in sphere very closely with the whole State as Marx in his young days knew it, and as pictured by the Benthamites and the Manchester School. . . .

In deciding these large issues of national policy there is needed, it is clear, a national assembly, representing the common will of the whole body of citizens, and of the citizens as citizens, not as producers of particular commodities, or as consumers of commodities. . . .

The Political Democracy must therefore have its own Parliament, directly chosen by an electorate based on inhabitancy; and, as the action of each of the ministerial departments that we have named will be closely dependent on one or other policy being adopted as a whole, the Cabinet (reduced in numbers by the exclusion of all the Ministers concerned with the subjects that will pass over to the Social Parliament) should, as it seems to us, continue to be held jointly responsible for all decisions, and should stand or fall together on a vote of the Political Parliament.

The Social Parliament and its Executive

The concentration and the isolation of the essentially political functions of the Government in the Political Parliament and its Executive will permit of the development, for all the other functions of the House of Commons, of a distinct national assembly, with separate executive organs specially fitted for this part of the work.

There are, it is plain, two social purposes of the community as a whole for which this separate organ of representative government has to be provided: first, the determination of the mental and physical environment of the present generation — that is, the kind and temper of the civilisation which the citizens, as a community, desire and intend to enjoy; and secondly, the provision for the community in the future. These two purposes will be, in the life of a vigorous democratic community, as they are in a devoted family, intertwined in every act and thought. It is important to emphasise the one which is usually too lightly regarded, namely the anticipation of the future. But just as in a commercial enterprise the provision for depreciation, the creation of a reserve and the arrangements for expansion cannot well be made by any other authority than that

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charged with the supreme direction of the current administration, so we assume that both classes of functions can properly be entrusted to a single national assembly having its own executive. This we propose to call the Social Parliament.

To the Social Parliament and its Executive will be assigned the function of exercising whatever national control may from time to time be required over the nation's economic and social activities. To this organ of government we should transfer all the powers now vested in the Crown, not only over property as such, but also by way of taxation, including therefore the Right of Eminent Domain, so far as regards the absolute ownership of all lands, minerals, tidal waterways and foreshores, together with the duty of deciding when it becomes necessary to expropriate private owners, whether of estates in these properties, or of other instruments of production, with whatever compensation and under whatever conditions may be deemed right. The Social Parliament would also direct and control the administration of existing public services, and start any new ones that were considered desirable. This does not mean that the Social Parliament and its Executive would proceed at once to organise all the national resources and administer all the services and industries of the community, still less that it should do so without considering the established expectations of the present owners, organisers and workers in each case. All that it means is that this supreme power of commanding that the instruments of production shall be owned, controlled and directed in any way that the community thinks fit, together with the power to tax, shall be vested, not as at present in the Crown and Parliament, as we know it, but shall be the concern of a separate and distinct national assembly, unconnected with the distinctive functions of the Political Parliament just described. Thus there would fall to the Social Parliament and its executive organs, in addition to the supreme control of the nation's economic resources, and of the industries by which these are made of use, such essential public services as the health and education of the community, including all public provision for the non-effectives (such as the children, the physically or mentally infirm or invalidated, and the aged); transport and communications; the organisation of scientific research, and any provision for the encouragement of art and literature, music and the drama, recreation and religion that may be desired. Finally, there would be the necessary financial co-ordination and direction of the nation's ways and means, including such arrangements as the currency, prices and charges, the provision required for the future, the allocation of particular resources to particular needs, the equitable distribution of the national rent or surplus value, and, where necessary, the levying of taxation for the making up of

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deficits. The Department of Finance must in fact be one of the most important parts of the national administration.

It is not suggested that the Social Parliament should create or maintain a Cabinet of Ministers having collective responsibility, such as is proposed for the Political Parliament. The work of the Social Parliament would apparently be best done, on the model of the London County Council and our great Municipalities, by standing committees of the Social Parliament itself, each main department of work being thus supervised by its own standing committee electing its own chairman; without the various chairmen necessarily agreeing with each other in policy, or accepting, as such, any responsibility for the work of other committees than their own. . . . As it is the interests of the community as a whole that the Social Parliament is to safeguard, and not those of particular vocations or particular sets of consumers — and what has to be weighed in each case are the claims of the future against the insistent demands of the present — this assembly, like the Political Parliament, must be elected by the citizens as such, whether old or young, well or ill, active or superannuated, home-keeping wives or vocational workers. Moreover, any differences or policy or interest that will arise will turn to some extent on geographical divergencies. For all these reasons election for the Social Parliament should be on the basis of inhabitancy by local constituencies approximately equal in population. . . .

The Relation Between the Political and Social Parliaments

It may be suggested that the two national assemblies — the Political Parliament and the Social Parliament — together with the national executives which they will create and maintain, should be equal and co-ordinate. Each should be, within its own sphere, supreme; but, as will be indicated, provision must be made for those cases in which, by the nature of things, they will necessarily impinge on each other's sphere. Laws or commands, whether by the one or the other, will be legally valid only in so far as they are warranted by the powers conferred by the statute, which will have to be interpreted, in case of dispute, on particular issues brought before the law courts as in the United States.¹

¹ It is not suggested that there need be any formally enacted or "written" constitution, otherwise than at present; but the establishment of the Social Parliament (and, indeed, any relief of the congestion of the House of Commons by "devolution") necessitates a statute defining the powers and functions of the new body; and this statute will, anyhow, be construed by the Courts of Justice like any other. No "*Conseil d'État*," or other system of special tribunals applying "administrative law," is involved. Cases would come before the ordinary Courts in the accustomed

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Although the two national assemblies will be independent of each other, they will necessarily in many matters have to work in consultation with each other, probably by the machinery of joint committees or conferences. Thus, the laws passed by the Political Parliament with regard to national defence and the maintenance of armed forces, or the negotiations with foreign nations on such subjects as commerce and shipping, migration and naturalisation, cannot fail to affect the administration of industries and services within the sphere of the Social Parliament and of the various administrative bodies within its jurisdictions. Conversely, some of the decisions of these administrative bodies and of the Social Parliament, will touch on the sphere of the Political Parliament and its Executive. This is not to suggest that the concurrence of the Political Parliament would be required before the Social Parliament could organise any industry or service, set up any institution, or even take over any privately owned property. But if any alteration of the criminal law was desired, which affected the personal liberty of the citizens, this encroachment on individual liberty should need the concurrence of the Political Parliament upon the motion of the Minister of Justice. . . .

EXTRACT VIII. GUILD SOCIALISM

[For some years a group of intellectuals in England have been expounding a new system of social and political organization, which commonly goes by the name of Guild Socialism. This new system cannot be described with precision, for its exponents differ widely among themselves even in fundamental matters. But it would involve a double scheme of representation (quite unlike that of the Webbs), resting in the one case upon consumers, and in the other upon producers. The following passage, taken from Bertrand Russell's *Proposed Roads to Freedom*,¹ represents the broad outlines

way, and be finally disposed of by whatever was the Supreme Court of Appeal.

The objections taken in the United States to the action of the Federal Courts in declaring statutes to be incompatible with the Constitution, and and therefore void, really turn on the difficulty which the United States Constitution places in the way of its prompt alteration. If any judgment of the Supreme Court that was contrary to the desire and purpose of the community could be, as regards future cases, overruled by the national legislature without undue difficulty or delay, all substantial grievance would be removed. Under the scheme here proposed, nothing more dilatory or onerous than a Joint Session of both Parliaments, equally responsible to the same electorate, would be required.

¹ Henry Holt & Co. (1919), pages 82-84.

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of Guild Socialism as they appeared at the close of the war. For details and modifications of doctrine, students should consult especially the works of G. D. H. Cole, S. G. Hobson, A. J. Penty, and G. R. S. Taylor.¹]

The first pamphlet of the "National Guilds League" sets forth their main principles. In industry each factory is to be free to control its own methods of production by means of elected managers. The different factories in a given industry are to be federated into a National Guild which will deal with marketing and the general interests of the industry as a whole. "The State would own the means of production as trustee for the community; the Guilds would manage them, also as trustees for the community, and would pay to the State a single tax or rent. Any Guild that chose to set its own interests above those of the community would be violating its trust, and would have to bow to the judgment of a tribunal equally representing the whole body of producers and the whole body of consumers. This Joint Committee would be the ultimate sovereign body, the ultimate appeal court of industry. It would fix not only Guild taxation, but also standard prices, and both taxation and prices would be periodically readjusted by it." Each Guild will be entirely free to apportion what it receives among its members as it chooses, its members being all those who work in the industry which it covers. "The distribution of this collective Guild income among the members seems to be a matter for each Guild to decide for itself. Whether the Guilds would, sooner or later, adopt the principle of equal payment for every member, is open to discussion." Guild Socialism accepts from Syndicalism the view that liberty is not to be secured by making the State the employer: "The State and the Municipality as employers have turned out not to differ essentially from the private capitalist." Guild Socialists regard the State as consisting of the community in their capacity as consumers, while the Guilds will represent them in their capacity as producers; thus Parliament and the Guild Congress will be two co-equal powers representing consumers and producers respectively. Above both will be the joint Committee of Parliament and the Guild Congress for deciding matters involving the interests of consumers and producers alike. The view of the Guild Socialists is that State Socialism takes account of men only as consumers, while Syndicalism takes account of them only as producers. "The prob-

¹ Cole, *Self-Government in Industry* (revised edition, 1919) and *Guild Socialism Restated* (1920); Hobson, *National Guilds and the State* (1920); Penty, *Old Worlds for New* (1917) and *Post-Industrialism* (1922); Taylor, *The Guild State* (1920).

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lem," say the Guild Socialists, "is to reconcile the two points of view. That is what advocates of National Guilds set out to do. The Syndicalist has claimed everything for the industrial organizations of producers, the Collectivist everything for the territorial or political organizations of consumers. Both are open to the same criticism; you cannot reconcile two points of view merely by denying one of them." But although Guild Socialism represents an attempt at readjustment between two equally legitimate points of view, its impulse and force are derived from what it has taken over from Syndicalism. Like Syndicalism, it desires not primarily to make work better paid, but to secure this result along with others by making it in itself more interesting and more democratic in organization.

EXTRACT IX. PROCEDURE IN THE HOUSE¹

[Some critics of the House of Commons have felt that an improvement in the method of doing business would go far in restoring its prestige. In 1919 the Standing Orders, or rules of procedure, were modified in several respects. Thus the number of standing committees was increased from four to six; and the "Kangaroo" closure, which empowers the presiding officer in the committee of the whole House or on report to select the new clauses or amendments to be proposed, was regularized. For the details of these modifications see Ralston Hayden in the *American Political Science Review*, Vol. XIV (August 1920), pages 471-477. At the same time a sessional order — that is, a rule of temporary application — provided that, with certain exceptions, the estimates should go to a standing committee instead of going to the committee of supply, which includes all the members of the House; but that rule was not renewed in the next session. The following passages will throw some light on the changes in procedure.]

Proposals

Sir G. Hewart (Attorney-General): It may be convenient that upon the first of the Government's proposals in relation to procedure I should make a statement as to the scope and the method of the proposals as a whole. The object of the proposals is at least threefold. It is, in the first place, to save the time of the House. It is, secondly, to accelerate the progress of business, and also it is, by avoiding waste of time and energy, to improve the real opportunities of criticism and of discussion. I will deal first with the new scheme in its relation to Bills. The method suggested is to have more general recourse to the services of Standing Committees. The proposal of the Govern-

¹ *Parliamentary Debates (Commons)*, Vol. CXII (1919).

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ment is generally to refer to Standing Committees all Bills, with four classes of exceptions. They are Finance Bills, Consolidated Fund Bills, Appropriation Bills, and small Bills of a non-contentious kind. It follows, obviously, that if this proposal be adopted the number of Standing Committees must be increased. Fourteen years ago the number of Standing Committees was raised to four. Under the proposals which are now made the number is to be raised to six. Of these Standing Committees five are to be, so far as subject-matter is concerned, Committees of general scope, and one is to consider Bills relating exclusively to Scotland. Of how many members ought these Committees to consist? As the House is aware, the present practice is that a Standing Committee shall consist of sixty to eighty members, together with fifteen added members, specialists as they are sometimes called, with reference to particular Bills. These Committees and these members would obviously make a very heavy demand on the membership of this House at a time when there are many other heavy demands. Therefore, upon consideration it has been decided and is now proposed that the number of members on the new Standing Committees should be forty, and that the number to be added with reference to particular Bills should be not fifteen but ten. The effect will be that a Standing Committee will consist of fifty Members, and it is proposed that the quorum should remain as it now is, namely, twenty.

It is proposed not only to add to the number of Standing Committees but also to improve their procedure. I refrain at this stage from entering into details, but there are two matters which I might mention. In the first place, under the present practice, Standing Committees, except under certain conditions and within certain narrow restrictions may not sit while the House itself is sitting. Under the new scheme, if it be adopted, a Standing Committee like a Select Committee, and within like limits, will be able to decide for itself the question whether it shall continue to sit while the House is sitting. A second observation upon that particular matter is this: It may be said that if that course is followed difficulties may arise at a time when Divisions are being taken in this House. Accordingly that difficulty is to be met by the provision that it shall be the duty of the Chairman of a Standing Committee to suspend the sittings of the Committee during Divisions in this House, in order to enable hon. Members to give their vote. From the simultaneous labours of these six Committees, at least two results are expected, and I think reasonably expected. One is an improved efficiency in legislation, and the other is a considerable saving of the time of the House. . . .

I pass to the remaining head of these proposals, and that is the

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group of proposals relating to Supply. The House will observe at once that the proposals of the Government in this respect are not proposals to amend the Standing Orders. They are proposals for this Session only. The keynote of the whole matter is that Estimates are to be referred to a Standing Committee or Standing Committees, subject to a very important exception. The exception is the Votes which determine the number of officers and men to be employed for the Navy, the Army, and the Air Force, and their pay; in other words, Votes which are familiar to Members as Votes "A" and "1." With regard to these Votes the proposal is that they should be dealt with in Committee of Supply. They are Votes which have this feature in common, that they have to be obtained before the commencement of the financial year to which they refer. The Minister in charge in each respective case will make his statement in Committee of Supply as to the programme for the year. The second proposal — but I do not dwell upon it — is that Mr. Speaker will leave the Chair for Committee of Supply without putting any Question except when it is necessary to come to the House for a Vote of Credit. The effect of these proposals taken together will be, it is hoped, to reduce the number of days which so far as the House and the Committee is concerned are necessary for Supply. It is proposed, therefore, to reduce the twenty days which are at present allotted under the standing orders for the business of Supply to twelve days. It may be asked if these proposals are carried, how will these twelve days be spent? They will be spent in these ways — the Committee of Supply will deal with the excepted Votes, the very important Votes which I have mentioned; they will deal further with the Report stages of all Votes, and they will also deal — and this is an essential element in the Government's proposals — with particular Votes which from time to time may be withdrawn from the Standing Committee in order that they may be considered in Committee of Supply.

With regard to the rules of procedure which will be observed in the Standing Committees which deal with Supply, they will be the same as those which govern the procedure in Committee of Supply itself. If that scheme is to be worked out, it is clear that some method will have to be followed in order to determine what Estimates and what Bills are at particular times to be considered by Standing Committees. The proposal is that Estimates shall be sent to Standing Committees in the same way as that in which Bills are sent. In other words, Mr. Speaker will allot the Estimates, or it may be part of Estimates, to a Standing Committee, or it may be to more than one Standing Committee, and thereupon the Committee of Selection will add ten members, with special reference to

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the subject-matter of the Estimate or the Bill, as the case may be. It will be the duty of the Government to decide from time to time whether upon a particular day Bills or Estimates are to be considered in a Standing Committee. I pass over other and minor points. For example, it is proposed to exempt Reports of the Committee of Ways and Means and other money Committees from the Eleven o'clock Rule. It is proposed to expedite the procedure in connection with financial Provisions in Bills. There are other detailed proposals of a similar character.

The essence of the whole matter, as the House will observe, is that, whether with regard to Bills or with regard to Supply, there is to be a much greater use than hitherto of the labours of Standing Committees. This, in the briefest detail, is the scheme which is now proposed. It is at least a sincere and careful effort to accomplish a purpose which is not only useful, but has become necessary. A great Member of this House once said, "The time of the House of Commons is the treasure of the people." The scheme which I have outlined is a modest attempt to preserve that treasure by saving that time. . . .

Lord Hugh Cecil: I think everyone will agree that the Government are fully entitled and indeed bound to bring this subject before the House at the outset of the Session. The procedure is certainly in need of reform and no one can doubt, with the very heavy load of legislation which necessarily arises after the War and on the great business of reconstruction which is in prospect, that the House, if it is to deal with that at all, must deal with it by amended procedure. I should like to say how cordially I am in agreement with one of the observations of the right hon. Gentleman opposite and that is, when he spoke of the great importance of upholding the credit of the House of Commons with the public and the people generally. It is not merely lamentable but it has become dangerous that the House of Commons has lost the moral authority that it at one time so abundantly possessed over the great mass of the people of this country. Really, we have been getting used to the spectacle. It is one of the most curious and interesting things in the historical development of our country that whereas the House of Commons, in, say, the eighteenth century was a very narrow body, and, I am afraid, rather a corrupt body, and a body defaced by many blemishes, yet it was quite indisputably the greatest assembly in the country, and exercised immense authority in the whole country, both in the laws it passed and by its authority over the people. Now we have a House of Commons elected on the widest possible franchise and the Members returned to it without any circumstances of corruption, and they themselves being above the

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suspicion of corruption, and with all those circumstances so much in favour of its authority, yet it seems to have lost the unique and magnificent position which it had in the eighteenth century. One of the curiosities of the history of that time was the enormous interest that was taken in the House of Commons on occasions by its Members. I came across an extract the other day from Horace Walpole, in which he mentioned how he had sat from two in the afternoon until five o'clock the next morning for the purpose of attending a Debate. He was rewarded about half-past one by hearing the Elder Pitt make a speech that afterwards became famous, and in which he compared the Coalition of the time to the junction of two streams like the Rhone and Saone. I am sure if we had a Debate of that kind to-day, and if, let us say, the hon. Member for South Hackney, who resembles the Elder Pitt in popular acceptance outside and independence of thought, compared my right hon. Friends on the Front Bench to any number of streams, we should listen with wearying impatience. In those days they felt not merely respect but enthusiasm for the House of Commons, in spite of the artificial and self-indulgent state of society. They spent sums of money, which now seem almost incredible, in order to carry elections. Tens, and in some cases hundreds of thousands, were spent on a single election at that period. That is a measure of the esteem and power which the House of Commons has to-day largely lost. One of the immediate reasons for that is that the House of Commons has to some extent lost its own self-esteem and does not think so highly of itself as it used to do.

The main criticism I would make of these proposals is that, like all the other proposals to reform procedure — and I am afraid I have heard a great many now — they are really addressed to making it easier for the Government to carry on their business. They are not addressed to the fundamental weakness of Parliament and to restoring to the House its own self-esteem. Yet I believe the Government would find it to their advantage if they would try and reform procedure after the other theory, because this loss of self-respect and self-esteem makes obstruction on the great scale a possibility. If the House of Commons really revered itself as it used to do obstruction would only remain as a rarely used remedy against genuine oppression on the part of the Government, and it would cease altogether to be part of the ordinary tactics of Parliamentary life. Part of the Government proposals do seem excellently conceived in order to restore to the House of Commons its efficiency and dignity. I mean that part which relates to the larger reference of Bills to Standing Committees instead of Committees of the Whole House. I think every Member who has had experience of Committee

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of the Whole House on a controversial Bill will agree with me that that part of the procedure has really broken down. Committee of the Whole House on a Bill does not seem to me to work well either from the point of view of the Government or the critics of the Bill. In most cases it is conducted by very empty benches, from which those who desire to criticise the Bill may speak with the voice of men and of angels without producing the slightest effect, because there is no one to listen to them except the Ministers themselves, who are indisposed, of course, to be convinced. I have seen a great many Bills, and I think I have quite accurately described the common procedure in Committee of the Whole House. It does not give the critics a good opportunity; it wearies out the Government, and it gets the Government by mere exhaustion into a stubborn frame of mind, so that they say, "We cannot go into that." They find that it saves time to resist every Amendment that is proposed, and after a time, when the end of the Session begins to approach, they apply the guillotine or the Closure, or something of that sort, and from that time the proceedings become a perfect farce. Everybody knows that the moment the Closure falls by common agreement the business of Committee of the Whole House becomes unreal.

Therefore I am strongly in favour of sending Bills up to Standing Committee, and I do not think the Government go far enough. I would send to Standing Committee every Bill, without exception, on which it is anticipated that there is going to be any discussion, including the Budget Bill. If the Government would do that, they would save so much Parliamentary time that they could afford not to press some of their other proposals, which are, I think, open to criticism. They could afford to leave Supply with the full number of allotted days and not take the course of sending Supply upstairs. But I do not think you can work Standing Committees by allowing them to sit while the House is sitting. I do not think it matters if they slop over half an hour, as sometimes happens, but to sit really at length while the House is sitting is, I believe, unworkable, and it is eminently inconsistent with the great principle which we ought to insist upon, of treating Parliament with respect. It really amounts to saying that it does not much matter what the House is doing downstairs if the Standing Committees are to be allowed to sit during the sittings of the House. Many of the most able Members being engaged upstairs could not attend to the business of the House itself, and the effect would be to give an impression that that did not very much matter. It really is part of that treatment of Parliamentary procedure of which I am afraid I must say that the most distinguished Members of this House have been guilty in the past and which has done so much, as I think, to lower the House in its

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own respect. The right hon. Gentleman the Foreign Secretary (Mr. Balfour) and Mr. Asquith, both being sentimentally devoted to the House, have done very much to lower the respect of the House for itself by constantly treating its Debates as though they did not matter two straws, as though any party advantage were sufficient to set them on one side, and as though the main thing were to get the business done in a workmanlike way rather than to have the Debates properly conducted. If you have 240 Members engaged upstairs you cannot have the business of this House properly conducted downstairs, and it does not look as if you really were treating the Debates of the House with respect. I think it will be found that the burden thrown on particular Members in a controversial Session would be quite overwhelming. I suppose the Standing Committees would meet at about eleven-thirty or twelve o'clock, and a Member who was taking a prominent part, the sort of part that the right hon. and learned Gentleman the Member for the Duncairn Division of Belfast (Sir E. Carson) took in opposing Home Rule, would be sitting upstairs on one controversial Bill all day and downstairs on another controversial Bill all the evening. I do not think you can really work Standing Committees on that basis.

The suggestion which I make to the Government is that they should send all Bills to Standing Committees, of the existing size, but that they should use the time spent in Committee by adjourning the House as soon as Questions are over on Tuesdays and Wednesdays during the months of April, May, and June, and I have put down a Motion to that effect, but forgot to mention the days. Then the Members could go upstairs to their various Standing Committees and do the business of those Committees, and I believe that would help the Government enormously in getting through their business. They would have a long evening before them, and would have eight or ten Standing Committees at work simultaneously. . . .

There are two other important proposals on the Paper. One is the selection of Amendments, and there again I think the Government are right in supposing that this is the least invidious way of interfering with the liberty of Members of Parliament in criticising a Bill. But selection of Amendments as we have known it is done at very short notice by the Chair, so much so that, if my memory serves me aright, it often happens that Members do not know when they enter the Chamber whether their particular Amendment has been selected or not. Human nature being what it is, that is a very irritating thing to Members, and it makes the relations between the Chair and Members very difficult, because everybody, of course, thinks their Amendment a nice one, and has a paternal fondness for it and they come down with their speeches prepared in their own

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head and are then told that the Chair does not think it suitable. They feel they are being unfairly treated. Moreover, there is this additional disadvantage in that process of selection at short notice, that as the pressure of time grows greater on the Bill, and as it becomes clear that the Government will have some difficulty, and there is doubt whether there will be enough time in which to finish the Bill before the end of a Session, there comes a very strong temptation to the Chair to select more and more strictly and to cut out more and more Amendments. The pressure of the Government upon the Chair, not very consciously exerted, is a real thing, and it becomes very difficult for the Chair to say, "You have managed your business so badly that you will have to lose your Bill, as I cannot cut out any more Amendments." I should like to have the selection of Amendments on Report made deliberately by the Speaker, it being required that everyone who wishes to move an Amendment on the Report stage should put it down five days after the Bill is reported from the Standing Committee. If they did not do that, the Amendment would not be considered at all. The Amendments being thus on the Paper, the Speaker would go through them and select those he thought worth discussing on the Report, and his task would be made much easier by consultation with the Chairmen of the Standing Committees, who would, of course, be familiar with the discussions in Committee and would be able to indicate to him those Amendments of special importance. Then the Amendment Paper, being settled, would be printed in the ordinary way, and the Bill would be taken, and every Member would have received the Paper on the morning, at any rate, on which the Bill was coming on, if not earlier, and would come down to the House knowing what Amendments were to be discussed and prepared to speak on those in which he was interested. There would be no friction, and there would be no power of pressing the Speaker at the last moment to cut out more Amendments. The Paper would be fixed, and the Government would have to make up their minds to find time in which to finish it. So handled, I think the selection of Amendments would be both dignified, consistent with the efficiency of the House, consistent with the just claims of the Government, and consistent also with full liberty of debate.

The third important proposal of the Government is to send the Supply to a Standing Committee, but I am afraid I think that is a proposal which neither in their own interests nor in the interests of the House can be defended. I hardly think my right hon. Friend the Leader of the House can have sufficiently considered it. Committee of Supply is really a Committee of grievance. It is a Finance Committee certainly, but it is not a financial Committee in the

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sense that it scrutinises the minutiae of public expenditures or can do so. All the Debates I have ever heard in Committee of Supply except perhaps purely obstructive ones on Supplementary Estimates, at any rate in recent years since the allotted Supply Rule was adopted, have been criticisms of a perfectly legitimate and non-obstructive character of the policy of the Government, sometimes the main policy of the Government and sometimes the policy of a particular Department of the Government. How can that be done in Standing Committee, either from the point of view of the critics or from the point of view of the Government? How can a Standing Committee criticise the policy of the Government which, if it is successfully criticised, must involve either a change of the Government altogether or at least the resignation of the Minister defeated? How could you allow a Standing Committee to carry the reduction of a Minister's salary, or even of a Vote of importance in Supply, without the ordinary consequences following of the Minister, or perhaps the Whole Government, retiring? If that is to follow, you make the Government responsible, not to the Whole House, but to the Standing Committee — both in principle and in fact a most intolerable position. What you want is not a Standing Committee, but one of two things — either the Whole House in Committee or on Report, or a Select Committee for the purposes of financial scrutiny. If you set up a Select Committee with special powers of scrutiny, I have some doubt as to whether it is a workable proposal in the matter of machinery, but, at any rate, it is quite a different proposal. A Standing Committee could not do that sort of work.

On the other hand I do not think a Standing Committee could possibly do the work of the Whole House, and I am surprised the Government has put forward that proposal, because that part of the machinery of Parliament has certainly not broken down. Ever since the twenty days of Supply have been allocated there has been no obstruction. I do not think twenty days of a Session too long to devote to administrative criticism. If the Government think it is too much this Session because of the special circumstances, they have only to put down a Sessional Order assigning a smaller number of days. But I am quite sure that, given the principle of allotted days, you are perfectly clear of any interference with the normal progress of Government business, and perfectly secure against anything like obstruction. Therefore, I hope the Government will not press that proposal. I am sure they will find that, neither in their own interests nor in the interest of the House, would it work well. And I confess I rather hope they will not press the proposal to allow a Minister on the Report stage, or — if they do not adopt

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my plan — in the Committee stage, to get up and move that the whole proceedings shall be brought to a close and the Bill summarily put through. I think that is to institute guillotine closure as part of the ordinary practice of the House, and guillotine closure in its least scientific and intelligent form. If what they mean is that it should be open to them to close down the whole proceedings of the Committee, then I think they must revise the drafting of their Rule. As I understand it, it might be done immediately on entering upon the Committee stage or the Report stage of a Bill, and the whole proceedings might be brought to a close on a summary Motion. Though it is true that the consent of the Chair is a certain safeguard, I think it is agreed that too much weight should not be thrown on the shoulders of the Chair by putting it into the position of even having to consent to or refuse Motions of that character.

I believe that if the Government would try the experiment, which I have tried, of going through the business of a Session — I took the Session of 1896, which was a singularly crowded Session, in which the business did break down — and see how it would work under the procedure I have tried to sketch, of sending every Bill to a Standing Committee, and of adjourning the House after questions on Tuesdays and Wednesdays in April, May, and June, they would find that without any alteration in procedure they were perfectly able to conduct the business of Parliament and secure a Prorogation early in August. The relief would be enormous, and I believe the gain in efficiency would be equally great. Though I am sure it would be uncongenial to his temper, and very unlike his usual manner of conducting the House, to seek to force on a new House of Commons very drastic changes in the procedure in the House, it is of course my right hon. Friend's duty to put before the House those proposals which he considers really necessary to conduct its business with efficiency; but I really hope he will not press on a necessarily inexperienced House drastic changes such as may be tolerable to us who support the Government in a Parliament in which the Government has a great majority, but will not be equally tolerable when he and I sit on the other side of the House, and perhaps the right hon. Gentleman the Leader of the Labour party is Prime Minister, carrying through measures of which we very much disapprove. We should think of the future and not only of the present, and should safeguard, with the efficiency of the House, due liberty of debate and due right of minorities.

CHAPTER VI

THE HOUSE OF LORDS

IN a modern democracy it is difficult to justify the survival of an hereditary chamber. The English constitution, it is true, because of the character of its historical development, abounds in anomalies. The monarchy is one of these; but the monarchy, having been divested gradually of its substantial powers, stands above party and performs useful functions which justify its persistence even to leaders of the Labor party. The position of the House of Lords is quite different. While the scope of its activity has been curtailed both by custom and by statute (*Extract I*), it may still seriously impede the progress of legislation that is supported by the House of Commons and the electorate; and its attitude towards legislation is often determined either by class interests or by strong partisan bias. It is dominated by the Unionist party. For that reason other parties may well feel that they are living, as Mr. Asquith expressed it, "under a system of false balances and loaded dice." After the passage of the Parliament Act the Liberals contemplated setting up an elective second chamber, or at least one in which the elective element would predominate; but the war intervened. Although a joint committee of the two houses, appointed by Premier George, made an elaborate report in 1918 (*Extract VI*), four years elapsed before the government submitted its proposals (*Extract VIII*). Some months

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later the Coalition ministry resigned. The new Unionist premier, Bonar Law, indicated that there would be further delay and that the question, when taken up, would not be treated in a partisan spirit (*Extract IX*).

Great difficulties lie in the way. Various solutions are possible. Quite conceivably nothing more may be attempted than to modify the composition of the existing House with or without some arrangement for the reference of controversial measures to the electorate (*Extract V*). Such an outcome, making no sudden breach in institutional continuity, would seem to accord best with the traditional methods of English politics. A reformed House of Lords might be limited to the functions of revising bills sent up from the House of Commons; indeed, so distinguished a publicist as Sidney Low expresses the opinion that this function could safely be entrusted to a committee of lawyers and parliamentary draughtsmen.¹ Although the abolition of the Upper House finds very little support outside the ranks of the Labor party, Mr. Low believes that this "would be a far less revolutionary change in the substance, if not in the form, of our system than is commonly supposed." In such a case, however, he sees the necessity of establishing the referendum or some other machinery which would ascertain the popular will when ministers were unwilling to submit to a general election.

EXTRACT I. THE PARLIAMENT ACT (1911)²

[When the Liberal party came to power in 1905, its program of social reform met with stiff resistance in the House of Lords. The

¹ *The Governance of England* (revised edition of 1914), page xvi.

² 1 and 2 George V, Chapter 13.

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conflict which thus arose culminated in the controversy over the Lloyd George budget of 1909. A temporary solution was formulated in the Parliament Act, which, pending the establishment of a new upper house constituted on a popular basis, defined the relations between the houses of Parliament and left the peers with nothing more than a power of criticism and delay. Students should consult Frank Dilnot's *The Old Order Changeth* (1912) and Carleton H. Hayes' *British Social Politics* (1913).]

An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons, and to limit the duration of Parliament. (18th August 1911)

Whereas it is expedient that provision should be made for regulating the relations between the two Houses of Parliament:

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation:

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the authority of the same, as follows:

1. *Power of House of Lords as to Money Bills*

(1) If a Money Bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

(2) A Money Bill means a Public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the

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appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this subsection the expressions "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

(3) There shall be endorsed on every Money Bill when it is sent up to the House of Lords and when it is presented to His Majesty for assent the certificate of the Speaker of the House of Commons signed by him that it is a Money Bill. Before giving his certificate, the Speaker shall consult, if practicable, two members to be appointed from the Chairmen's Panel at the beginning of each Session by the Committee of Selection.

2. Restriction of Powers of House of Lords as to Bills other than Money Bills

(1) If any Public Bill (other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years) is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the third time by the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill: Provided that this provision shall not take effect unless two years have elapsed between the date of the second reading in the first of those sessions of the Bill in the House of Commons and the date on which it passes the House of Commons in the third of those sessions.

(2) When a Bill is presented to His Majesty for assent in pursuance of the provisions of this section, there shall be endorsed on the Bill the certificate of the Speaker of the House of Commons signed by him that the provisions of this section have been duly complied with.

(3) A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

(4) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of

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the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the House of Lords in the former Bill in the preceding session, and any amendments which are certified by the Speaker to have been made by the House of Lords in the third session and agreed to by the House of Commons shall be inserted in the Bill as presented for Royal Assent in pursuance of this section:

Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and, if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons; but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

3. *Certificate of Speaker*

Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

4. *Enacting Words*

(1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same, as follows:

(2) Any alteration of a Bill necessary to give effect to this section shall not be deemed to be an amendment of the Bill.

5. *Provisional Order Bills Excluded*

In this Act the expression "Public Bill" does not include any Bill for confirming a Provisional Order.

6. *Saving Clause*

Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

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7. *Duration of Parliament*

Five years shall be substituted for seven years as the time fixed for the maximum duration of Parliament under the Septennial Act, 1715.

8. *Title*

This Act may be cited as the Parliament Act, 1911.

EXTRACT II. THE NEED OF A SECOND CHAMBER¹

[Outside of the Labor party, which is divided on the question, English opinion seems to be firmly committed to the bicameral principle. Nevertheless, after the lapse of more than a decade, the new upper house, foreshadowed in 1911, has not made its appearance; and conservative politicians are much disturbed over the prospect of an indefinite continuance of what, to the author here quoted, resembles, all too closely, single-chamber government.]

The existing House of Commons was elected . . . with a mandate for the reform of the Legislature. It is at present engaged upon the task of extending the electoral franchise and rearranging the electoral areas. But the branch of the Legislature to which the mandate of 1910 referred was not the House of Commons but the House of Lords. The powers of the Second Chamber were severely curtailed by the Parliament Act of 1911; the Preamble to that Act announced, with all the solemnity which can attach to a preamble, an intention 'to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis'; but nothing has yet been done to give effect to that intention.

So long, however, as the pledge is unredemmed we must continue to put up with a mere torso of a Constitution. Nor will the anomaly and danger of the situation be diminished by the passing . . . of the Representation of the People Bill. On the contrary the balance of forces within the State will be still further disturbed. The Lower House will presumably derive from an enlarged electorate an accession of authority; the Second Chamber will remain more obviously than ever in a state of suspended animation; its powers almost annihilated, its constitution unreformed. That our political institutions will consequently be left in a state of very unstable equilibrium will be denied by no one who has given serious thought to the working of the constitutional machine.

¹ Sir J. A. R. Marriott, in the *Edinburgh Review*, Vol. CCXXVI (1917), pages 190 *et seq.*

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On one point there appears to be a general agreement. No responsible person, so far as the present writer is aware, to-day suggests the possibility of recurring to the experiment of a unicameral legislature. In the heat of revolutionary fervour Frenchmen were tempted to endorse the shallow sophistry by which the Abbé Sieyès commended the unicameral system: 'If a Second Chamber dissents from the First it is mischievous; if it agrees with it, it is superfluous.' Thus characteristically, with an epigrammatic dilemma, did the prince of constitution-makers dismiss the teaching of experience. The first unicameral experiment in France lasted less than half a decade. The second French experiment in unicameralism was made in 1848, and its duration was less even than that of the first. Despite many changes of dynasty and constitution, in all their oscillations from Republicanism to Imperialism, from Imperialism to Legitimacy, from Legitimacy to Orleanism, from Orleanism to Bonapartism, and again from Bonapartism to Republicanism, Frenchmen have never been tempted to renew this particular experiment. . . .

The Parliament Act was the death-blow to the dignity and to the efficiency of the House of Lords. To all intents and purposes we have been living, for the last six years, under a unicameral legislature.

Can this state of things endure? No one who is not either completely ignorant or blinded by partisanship will answer this question in the affirmative. Theory and experience alike point to the necessity of some kind of Second Chamber.

In John Stuart Mill's brief but authoritative treatise on 'Representative Government' there is a chapter (c. xiii) which is as fresh and pertinent as when it was written in 1861. Mill was no fanatical believer in bicameralism, still less did he approve of a Second Chamber constituted like the House of Lords, but no one has stated the argument against an omnipotent single chamber more effectively. Elect it as you will, you cannot trust a single chamber, any more than you can trust an individual not to develop the temper of a tyrant.

'It is important (writes Mill) that no set of persons should, in Government affairs, be able even temporarily to make their *sic volo* prevail without asking anyone else for his consent. A majority in a single assembly, when it has assumed a permanent character — when composed of the same persons habitually acting together, and always assured of victory in their own House — easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable there should

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be two chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.'

Could not the end desired by Mill be secured, along with other advantages, by other means — the Referendum, for example, or the Recall? It is not to be denied that by the adoption of either of these expedients the electorate might be enabled to impose a veto upon unpalatable measures passed by a single chamber. It is also true that the referendal function — the power of submitting *projets de loi* to the judgment of the constituencies — was one of the most cherished and one of the most important functions performed by the House of Lords up to 1910. But it was not the only one. We say nothing, for the moment, of the concurrent right of initiation, partly because the Lords with almost inconceivable unwisdom allowed this important right to fall into virtual desuetude; partly and much more because a similar power can be and is exercised — in Switzerland, for example — by the device of the Popular Initiative. It is not, however, enough that in a well-constituted legislature the two chambers should enjoy equal and concurrent rights of veto and initiative. Even under primitive conditions the art of legislation is not simple. In an ancient and complicated civilisation it is extremely difficult and delicate. A Second Chamber is urgently needed for purposes of amendment and revision. This cannot be secured by the Referendum or the Recall. These devices may avert mischief; they cannot ensure benefit. They can vindicate the rights of the majority; they cannot compel consideration for the legitimate susceptibilities of the minority. This function is most effectively, though by no means perfectly, performed by a Second Chamber endowed with concurrent rights of legislation. Walter Bagehot put this point with that rough commonsense, the possession of which made him one of the most persuasive of political philosophers:

'If we had an ideal House of Commons perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary for good consideration, it is certain that we should not need a higher chamber. . . . But though beside an ideal House of Commons the Lords would be unnecessary, and therefore pernicious, beside the actual House a revising and leisured legislature is extremely useful, if not quite necessary.'

Methods in the House of Commons have not since Bagehot's day become more scientific; procedure is not more leisurely; debate is not more orderly; nerves are not less strained, nor tempers more

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controlled. The force of his reflections has not, therefore, been impaired, but strengthened by the efflux of time.

Nor should it be forgotten that since Bagehot's day a momentous change has taken place not merely in the personnel but in the status of the individual legislators belonging to the lower House. They are no longer financially independent of the Executive. The Cabinet can send them back to their constituents; and it must always be uncertain how many of them will after a general election retain their seats and their salaries.

A stipendiary House of Commons must become as regards its legislative function, a mere adjunct of the Executive that can dissolve it. On this ground alone it is imperative that there should be a revising body entrusted with effective and independent authority.

Nor can the powers of Parliament be limited to legislation and taxation. Ever since the seventeenth century it has been admitted that Parliament ought also to exercise continuous vigilance over the doings of the Executive. It is not suggested that even now the House of Commons has entirely surrendered this function, but it is certain that it becomes year by year less competent to perform it. For competent criticism of the Executive, for informing debate on foreign affairs, or on Imperial problems, the thoughtful public looks, therefore, less and less to the House of Commons, more and more to the House of Lords. But criticism divorced from responsibility tends to futility, and verbal debates, unless they can eventuate in action, are apt to wear the garb of unreality. If power is concentrated in one House it is idle permanently to look for effective criticism from the other. It is, therefore, essential to vigour and continuity of administration, not less than to sanity of legislation, to secure that the Second Chamber of the future shall be both independent in composition and invested with adequate powers. . . .

EXTRACT III. A LABOR VIEW OF THE HOUSE OF LORDS¹

. . . A peer, on the other hand, may be entirely lacking in all training and may be remarkable for his lack of natural endowments; he may be dissipated and utterly selfish and irresponsible. Clearly, then it is the height of unwisdom that he should be permitted to have any hand in the framing of the laws of the country or in the vetoing of measures which he has not the wisdom to understand.

There are, I know, some people who imagine that the House of Lords represents aristocracy of brains as well as aristocracy of birth,

¹ J. H. Thomas, *When Labour Rules* (Harcourt, Brace & Co.; also W. Collins & Co.; 1920), pages 47-49. Mr. Thomas entered the Labor Cabinet of 1924 as Lord Privy Seal and leader of the House of Commons.

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but up to the present I have failed to discover any evidence of the truth of this.

The futility of the House of Lords, however, is recognised even by the people who from time to time find it expedient to add to its membership, and the question of the reform of the Lords has long been before the country.

There can be no doubt whatever that many of the troubles that have arisen in the House of Lords have been of the Peers' own seeking. The controversies which arose during the first Lloyd George Budget and during the discussions of the Home Rule Bill gave rise in a very definite form to the whole question of the Second Chamber; it is, however, a curious and ironic fact that during many stages of the war the real guardians of the people's liberties were to be found in the Upper House.

I am frankly prepared to admit that there are very natural differences of opinion in the Labour movement regarding the value of a Second Chamber, but there is complete unanimity in Labour's assertion that all hereditary influence must be wiped out; and this objection to heredity, it may be pointed out, is not solely confined to the Labour Party. Lord Astor felt so keenly on the subject that a Bill was promoted to relieve him of the necessity of being compelled to take a title and exercise an hereditary right which he himself felt he was not fitted for.

I, personally, favour a Second Chamber, but I am firmly convinced that it should be elected by the people. There are two methods by which it could be formed; it could be a small body elected on a large geographical basis, or it could be a body chosen from the House of Commons, and containing proportionate representation of the political parties returned to the Lower Chamber.

By this means we should get over the absurd position of having, during the same period, an Upper House of one political complexion and a Lower House of another. As is the case at present, the Second Chamber's powers would be limited, and any measure passed by the Commons three successive times would become law.

I do not think an Upper Chamber should have more than three hundred members, and, unquestionably, it should be dissolved concurrently with the Lower House, thus ensuring that Parliament in its entirety is as representative as possible of the wishes of the country.

With the disbandment of the Peers the spiritual lords would also go, but the abolition of the spiritual and hereditary right to govern should not, of necessity, in any way rob the country of ability, for I see no reason why peers and bishops (not to mention priests, who are now excluded from Parliament) should not be permitted to submit themselves for election.

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EXTRACT IV. THE FUNCTIONS OF A RECONSTITUTED SECOND CHAMBER¹

The Joint Committee of both Houses, which is to take in hand the reconstruction of the Second Chamber has, at last, been constituted. Lord Bryce, who patriotically consented to be Chairman — after the Speaker, Mr. Asquith and Lord Lansdowne had successively found it impossible to undertake the task — met with great difficulties in getting his Committee together. The names now announced are not a very convincing assemblage. The genuine Liberals are out-numbered by their opponents and the Conservative complexion of the list is emphasized by a total absence of Labour representation — a useful feature in some contingencies, as it leaves the Labour Party free. The Committee, which is as “unconstitutional” as was the Speaker’s Conference which suggested it, can claim even less support from public opinion. It can justify its existence in one only way: by discovering a solution commanding general assent.

We doubt whether the reconstruction of the Second Chamber has yet been sufficiently considered by public opinion for any plan to which representative members of the House of Lords are likely to agree to gain sufficient public support to enable it to be carried into law. But the present position of the House of Lords is too anomalous to permit of the question being indefinitely shelved, and the appointment of Lord Bryce’s Committee will, at any rate, set the ball rolling. It may possibly be that the reconstruction of a Second Chamber will be one of the issues on which candidates at the general election that must follow hard on the declaration of Peace will be required to declare themselves. The subject is therefore one on which not only Lord Bryce’s Committee but also ordinary citizens, and particularly the Labour Party, must make up their minds.

Do we need, in the United Kingdom, any Second Chamber at all; and if we do, what exactly do we need it for? Clear thinking about these questions is at present hindered by three subconscious prepossessions, one of them governed by the haunting sense of history, another by an indistinct vision of political geography, and the third, by the vague fear of democracy, basing itself on a bygone political science.

The House of Lords, so far as history and the forms of the British Constitution are concerned, is not a Second Chamber at all. It is

¹ *New Statesman*, Vol. IX (1917), pages 533 *et seq.* This article was republished as Fabian Tract No. 183 (November, 1917), under the name of Sidney Webb and the title of *The Reform of the House of Lords*.

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one of the few survivals in Europe of the once common separate Estates of the Realm. Of such "Estates" there used to be, not two only, but three, four, or even five — the Nobles, the Clergy, the Municipalities, the Peasants, and the Tenants of the Royal Demesne being entitled to be separately summoned to give an opinion of their respective orders upon the King's business. What happened was that, in the course of centuries, in this as in other countries, the majority of the separate orders were merged in a single assembly of the "Commons" which ceased to be an estate of the Realm and came to stand, in fact though not always in form, for the whole community. Where any ancient Estate continued to sit separately, as in this country the Peers and Bishops did in the House of Lords, they did so (if we are to regard the substance of the Constitution) not as distinct Estates of the Realm, but — so far, at any rate, as the Nineteenth Century was concerned — as a Second Chamber. Since 1832, at least, the House of Lords has not been regarded by constitutional writers as having in fact, whatever it may have had in form, any other function than those of a Second Chamber; and it was in respect of its satisfactory exercise of those functions that the House of Lords was alleged to find its justification. The political crime or blunder committed by a Conservative majority of the House of Lords in 1910, when it rejected the Budget Bill passed by the House of Commons, lay in the revival of the claim of the Peers and Bishops to act, not as a Second Chamber, but as a separate Estate of the Realm. The House of Lords did not reject the Budget Bill on the ground that it was so badly drafted as to fail in many of its clauses to express the opinion of the Legislature and that it therefore needed drastic revision — though this, as we now see, was abundantly true. Nor did the House of Lords seriously allege that the House of Commons, in passing such a Budget, was not acting with the acquiescence and support of a majority of the electorate — a point on which the Peers and Bishops might have been honestly mistaken. What made the action of the overwhelming majority of the House of Lords equivalent to its political suicide was the suddenly revived claim of their Lordships to act, not as a Second Chamber but as a separate Estate of the Realm, by expressing their own personal opinions that the Budget was, in substance, a bad one; and by acting on those opinions so far as to assert their right to nullify, whenever they chose, the decisions come to by the House of Commons, in which the voice of the whole community had to be sought. We may take it as definitely settled that, whatever else they desire, the people of this country will not tolerate a revival of any separate "Estate" of persons or classes who are to be privileged to enforce, against the

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opinions of the majority of the Nation, any views of their own order. Any reconstructed House of Lords must accordingly be quite definitely made only a Second Chamber, with the functions and powers proportionate to such an organ of the National Legislature.

The question is, however, confused in the minds of some people by an indistinct impression of the Senate of the United States, which has lately formed a model for other federal communities, notably Australia and South Africa. It is sometimes suggested that the reconstructed House of Lords should take the form of an "Imperial Senate" in which representatives of the various parts of the British Empire, including the United Kingdom, should sit as an Imperial Legislature incidentally serving as a revising Chamber to all the subordinate legislatures, including the House of Commons itself. This, to put it plainly, is a dream, and a bad dream. The British Empire is not, and can now never be made a Federal Empire with subordinate legislatures. It is an alliance of free states, with a congeries of other dependencies, themselves progressing towards various forms of legislative autonomy. The self-governing Dominions have not the least intention of placing themselves even for what are called "Imperial affairs" under a Senate in which they must, for many generations, form a minority. Nor has British Democracy any desire to allow the British "Junkers" to call in Canadian and South African plutocracy to their aid. Constitution making for the "Britannic Alliance" must take another form. Any representative "Council of the Empire" will, for so far ahead as can be foreseen, exercise powers of solution and suggestion only, not of legislation. Any such "Imperial Organ" would be quite enough to serve as a Second Chamber for the British or any other constituent legislature. We must accordingly dismiss the idea of any Colonial representation in the proposed Second Chamber for the United Kingdom.

The third source of confused thinking is the vague fear of Democracy, leading to the desire for some counterpoise to an all-powerful single Chamber. This prepossession, found to a greater or less extent in nearly all property owners, is scarcely amenable to argument. But any real danger can be met by the powers of revision and delay, which constitutes the proper function of the Second Chamber. What is clear is that, if it is really sought to create a rival power to the House of Commons, the intention must be carefully concealed from the Labour Party and the Electorate, under pain of getting the whole scheme summarily rejected! It is too late to "go back on democracy"; and apprehensive property owners would be well advised to place their trust in "The People," contenting themselves with insuring that any serious innovation shall

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obtain a considered judgment, and not merely an impulsive decision from the Electorate.

We come now to the question of what the nation really needs in place of the House of Lords. One thing is plain. We do not require, and public opinion will not tolerate any rival to the House of Commons. Where it agrees with the popular legislature such a rival is useless; where it disagrees, it is in the highest degree dangerous. This consideration quite negatives the project of an elected Second Chamber which Mr. Asquith's Cabinet was contemplating before the war, but against which the House of Commons very decisively expressed itself before even the draft was published. The experience of an entirely elected Second Chamber in Victoria is conclusive against its imitation in any other unitary state. It is not the function of a Second Chamber to represent the people; this must be done, as well as it can be done, by the House of Commons. Whatever may be the imperfections of the House of Commons in this respect they would not be mended by setting up another Chamber claiming to be representative. This would be to go back to the Mediæval system of rival "Estates of the Realm." Similar considerations negative equally the fantastic project of the functional or stratified Second Chamber elected by the whole electorate voting by trades, professions, or occupations. All the arguments adduced for this by its advocates are valid — in so far as they have any validity at all — for the election of the House of Commons or the Legislature itself; they have no relevance for the body which is not a legislature, but merely a Second Chamber.

The essential function of the Second Chamber, it may be suggested, and the only one for which such a body is required, or can be permanently useful, is that of revision in its largest sense. The Legislature, remember, will always be passing bills which ought not to pass into law in the form in which they leave the popular assembly. There will be, in the first place, errors of draft, and palpable mistakes and omissions. In the second place, there will not infrequently be a lack of consistency, either of legislation or of policy, in relation to other matters, which the whole community would wish to see right. Finally, there is on some measures, the contingency of doubt as to whether the decision of the House of Commons would be upheld by public opinion. The particular measure may have been finally carried only by one vote. It may exact an indefinite prolongation of the life of the Legislature. It may have been carried by a moribund House. It may have been rushed through all its stages in a few days, without public opinion becoming aware of what is happening. It may be of the nature to arouse irresistible popular opposition, only that opposition will not instantly manifest itself. The British Democracy will be in full

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agreement with the most timid of property owners in not desiring to erect even its elected House of Commons into the position of a supreme dictatorship. *The case for the Second Chamber confined to the proper functions of a Second Chamber is irresistible.*

What is required for a Second Chamber is a position of independence of the popular assembly, well defined functions of its own which it cannot extend, a sufficient power to "hold up" the popular assembly without opportunity to compete with it. The Second Chamber needs to be composed of persons of ripe wisdom and judgment; known to and respected by the Public for their personal qualities; not representative of any one class or interest, not even of age or property in general; and widely inclusive of legal and administrative training and experience. It must not be merely an "order of merit," an assembly of old men; least of all exclusively a gathering of "Ex's." Popular election does not produce such an assembly as is required. Appointment by a King (that is by a Prime Minister for the time being) has proved a failure in Canada and in New Zealand, and is obviously unsuited; there is no case for selection from the Peerage any more than from the Beerage; moreover, its members must not oppress us for life, but must be continually being renewed, so as to keep the Second Chamber always in touch with the opinions of the current generation.

Surveying all the experiences of the world with Second Chambers — municipal as well as legislative, unitary and federal — we suggest that the best expedient, one which, in fact is working with singular smoothness and success, is that adopted by Norway and practised in different forms and at various epochs by other places of Northern Europe, namely, election of a Second Chamber by a popular assembly. We suggest that the best plan of reconstructing the House of Lords as a Second Chamber is to enact that, immediately after each general election, the House of Commons should elect by the best system of proportional representation, a second chamber of, say, one hundred members, who should be chosen from among persons (male or female) who are not members of the House of Commons, who should be irremovable during their term of office, who should be made members of a privy Council (and thus be styled Right Honourable) and who should receive the same payment as members of parliament. Such a Second Chamber should be empowered to refer back to the House of Commons for reconsideration, accompanied by a critical and detailed report, any Bill (not being an annual Money Bill as at present defined), in which it was thought that specific amendments were required, in order, to make the measure more accurately express what the House of Commons desired, or to remedy what seemed to be omissions or inconsis-

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encies within itself, or to bring it into harmony with existing legislation in other departments. Moreover, the Second Chamber should be empowered, whenever it considered that a measure was of such a nature, or had been passed by the House of Commons under such circumstances, as to demand further consideration by the public opinion of the nation, either to refer it back to the House of Commons for reconsideration in a subsequent session, or (except in the case of an annual Money Bill or other legislation not brooking delay) suspend it for reconsideration of the House of Commons to be chosen at the next ensuing general election. The Second Chamber of this sort would exercise satisfactorily all the functions that are proper to a Second Chamber, and it could not practically usurp any others. It would be always in touch with every section of the House of Commons, and would yet be entirely independent of it. It would have at its command all the talent needed for revision in the largest sense and none of the ambition that might tempt it to rivalry of what must, in any case, be and remain the supreme legislature.

EXTRACT V. THE REFFRENDUM AS A REMEDY¹

The late Lord Salisbury spoke wisely when he pointed out that there was only a certain amount of power in any Constitution. Therefore if you gave more power to one section of that Constitution, you must take it away from some other section. In a word, if you give more power to the Second Chamber, which obviously you must do if you are going to alter it, then you are going to take away an amount of power from the House of Commons equal to the amount of new power given to the new Second Chamber. But Lord Salisbury went on to ask whether anyone supposed that the House of Commons, having got the giant share of power, was going to part with it.

Of course it will do nothing of the kind. Popular Chambers often accrete power to themselves, but they never voluntarily resign it, and never will. Therefore, remodel the House of Lords as we may, we shall never get a House capable of performing the true functions of a Second Chamber — functions such as we find in the Senate of the United States.

In view of these facts we suggest that the Unionist Party should take advantage of the fortunate accident that the Government are pledged to introduce forthwith a scheme for Second Chamber reform, and should deal with the matter in the following way. Let it be declared by Statute that if no agreement can be come to on a partic-

¹ *Spectator*, March 19, 1921, pages 352-353.

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ular Bill, other than a money Bill, between the two Houses, i.e., if the Commons insist on disagreeing with the Lords' Amendments, the Bill, in the final shape in which it leaves the Commons, shall be submitted to the Poll of the People under the very simple and sensible machinery provided by Lord Balfour of Burleigh's Bill (printed March, 1911).

Further, let there be provision made for the reference of Bills to the country even when agreed to by both Houses, provided that not less than 200 Members of the House of Commons petition the Crown to send the Bill for reference before the Royal Assent is given thereto. This meets the objection that the House of Lords would pass Unionist Bills while sending all-important Liberal and Labour Bills to Referendum. The only further alteration that need be made in the existing Constitution would be an enactment that the writ of summons should be issued to no Peer until he had proved to the satisfaction of the Lord Chancellor:

1 That he is of legitimate birth and the eldest son of his father. (This he already does.)

2 That he has shown his capacity for taking part in public life by having done public service in any of the positions set forth in the schedule to the Act; i.e., has been Mayor or Lord Mayor of a town, been elected to Parliament, served on a County or Town Council for a certain number of years, served in the Army or Navy for over ten years, occupied a post in the Civil or Diplomatic Service for ten years, been created a peer or received a step in the Peerage, been made a Privy Councillor or a Grand Cross of any Order, or received some signal mark of the Royal confidence under the advice of the Prime Minister, as, for example, a post in the Government, special mission abroad, or the Governorship of any Dominion or Crown Colony.

A simple enactment of this kind would meet what may be called the black-sheep objection — an objection of more dialectical than practical force, because, as a matter of fact, the poor black-sheep has so chilly a reception in the House of Lords from its fellow-members that it is only too glad not to be caught voting or speaking there.

Under the plan proposed we should still enjoy the great advantage of having a body of men (a great number of them with considerable experience) who are in the position of Trustees and do not owe their seats or power in the Constitution to anyone's favour. A member of the House of Commons, however independent, is always a little moved by the fact that he owes his election to a kind friend, or group of friends, or to party influence. He does not want to disappoint the one or to antagonize the other by voting against his party, although at heart he may think he ought to do so. The

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Member of the House of Lords owes no allegiance to anybody but to the British People themselves. He would not, of course, be the right kind of man to rule us, for he has no mandate. Still, he is in the true sense a free man, and he can act with advantage the part of "The People's Remembrancer" or *amicus curiæ*. He can say: "It is not for me and my colleagues to stand up and declare 'You shan't have this Bill passed' merely because I and they think it a bad measure. I am not here to do anything like that. What I am here for is to see that the people are consulted on doubtful measures. Now this Bill, though I rather approve of it personally, does seem to me essentially a Bill that ought to be submitted to the country as a whole. Therefore I vote for it being referred to the People. Let the master of both Houses, and of us all, say what he really wants."

If the Unionist Party were to adopt the course of action we have outlined as to the reform of the House of Lords and were to insist on introducing the Referendum, they would of course be denounced by the Liberals, and still more by the Labour Party. Let them not worry about that. We are convinced that they would have the confidence of the nation on such an issue. The House of Commons is not too popular a body at the present moment, but it would regain a good deal of its popularity by lodging a veto power over its own acts in its master's hands. Remember, too, that members of the House of Commons would often avoid a great deal of unpopularity by letting the people take the responsibility for accepting a disagreeable measure. But most of all the Government would benefit by the Referendum. They are always paying blackmail to bullying groups. They don't like doing this any more than any other persons who have to swallow that bitter sauce, yet now, when a sufficient group of logrollers or blackmailers approach them, they may have to do what they really disapprove of — pass the Bill. If they had a Referendum they would be able to give a qualified promise: "Yes, we will pass the measure you want, but remember it will have to go to Referendum. We can't prevent that, as you know."

As the cynic might say, "The Poll of the People would enable a Ministry under pressure to run up legislative bills which it would then be forbidden to pay by a higher power" — a most enviable position for a Premier in a tight place.

EXTRACT VI. THE BRYCE REPORT (1918)¹

[In August, 1917, the Prime Minister appointed a "conference" of thirty members, drawn equally from both houses, to consider:

¹ Cmd. 9038.

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(1) the nature and limitations of the legislative powers to be exercised by a reformed second chamber; (2) the best mode of adjusting the differences between the two houses; and (3) the arrangements that would insure the fair exercise of functions appropriate to a second chamber. Viscount Bryce, as chairman, submitted a report in the spring of 1918. The most important parts of the report follow.]

5. The Conference entered on its task by considering how far its members were agreed as to the functions appropriate to a Second Chamber, as to the elements that ought to be present in it, and as to the place it ought to fill in the scheme of the Constitution, and it was found that agreement existed upon the following points:

Functions Appropriate to a Second Chamber

6. (1) The examination and revision of Bills brought from the House of Commons, a function which has become more needed since, on many occasions, during the last thirty years, the House of Commons has been obliged to act under special rules limiting debate.

(2) The initiation of Bills dealing with subjects of a comparatively non-controversial character which may have an easier passage through the House of Commons if they have been fully discussed and put into a well-considered shape before being submitted to it.

(3) The interposition of so much delay (and no more) in the passing of a Bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it. This would be specially needed as regards Bills which affect the fundamentals of the Constitution or introduce new principles of legislation, or which raise issues whereon the opinion of the country may appear to be almost equally divided.

(4) Full and free discussion of large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them. Such discussions may often be all the more useful if conducted in an assembly whose debates and divisions do not involve the fate of the Executive Government.

Elements that ought to find a Place in the Second Chamber

7. (1) Persons of experience in various forms of public work, such as judicial work, Local Government work, Civil Service work, Parliamentary work; persons possessing special knowledge of important departments of the national life, such as Agriculture, Commerce, Industry, Finance, Education, Naval and Military Affairs;

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and persons who possess a like special knowledge of what are called Imperial Questions such as foreign affairs and matters affecting the Over-Seas Dominions.

(2) Persons who, while likely to serve efficiently in a Second Chamber, may not have the physical vigour needed to bear the increasing strain which candidacy for a seat in the House of Commons, and service in it involve.

(3) A certain proportion of persons who are not extreme partisans, but of a cast of mind which enables them to judge political questions with calmness and comparative freedom from prejudice or bias. No assembly can be expected to escape party spirit, but the excesses of that spirit usually can be moderated by the presence of a good many who do not yield to it.

Position which the Second Chamber ought to hold in our Constitutional System

8. It was agreed that a Second Chamber ought not to have equal powers with the House of Commons, nor aim at becoming a rival of that assembly. In particular, it should not have the power of making or unmaking Ministries, or enjoy equal rights in dealing with finance. This was prescribed not only by long-established custom and tradition, but also by the form of our Constitution, which makes the Executive depend upon the support of the House of Commons, and would be seriously affected in its working by extending to a Second Chamber the power of dismissing a Government.

All precautions that could be taken ought to be taken to secure that in a Reformed Second Chamber no one set of political opinions should be likely to have a marked and permanent predominance, and that the Chamber should be so composed as not to incur the charge of habitually acting under the influence of party motives.

The Second Chamber should aim at ascertaining the mind and views of the nation as a whole, and should recognise its full responsibility to the people, not setting itself to oppose the people's will, but only to comprehend and give effect to that will when adequately expressed.

It should possess that moral authority which an assembly derives not only from the fact that its members have been specially chosen to discharge important public duties but also from their personal eminence, from their acknowledged capacity to serve the nation, and from the confidence which their characters and careers are fitted to inspire.

It should, by the exercise of this authority, and especially by evincing a superiority to factious motives, endeavour to enlighten

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and influence the people through its debates, and be recognised by the people as qualified, when a proper occasion arose, to require the reconsideration of important measures on which their opinion had not been fully ascertained.

Lastly, the Conference was also of opinion that it would enhance the authority of the Second Chamber, and would be in line with the whole constitutional history of this country, which has been marked by a steady and gradual development, broken by no sudden and violent change, that so far as is possible a continuity should be preserved between the ancient House of Lords and the new Second Chamber, the best traditions of the former being handed on to the new body, so as to enhance its dignity, and make a seat in it an object of legitimate ambition. The Great Council of the Nation from which the House of Lords directly descends, the House of Commons having been added to it in the thirteenth century, is the oldest and most venerable of all British institutions, reaching back beyond the Norman Conquest, and beyond King Alfred, into the shadowy regions of Teutonic antiquity.

Composition of the Second Chamber

9. Of the three topics to which the Reference directed its attention, the Conference thought it best to begin with that which relates to the composition of the Second Chamber. It is the most difficult of these topics. It was debated at the greatest length, and it provided the most frequent occasions for reconciling divergent views.

10. The principle of endeavouring to preserve some real measure of continuity between the House of Lords and the new Second Chamber, a principle accepted by all, though some members attached more importance to it than did others, suggested that a certain portion of the Chamber should be taken from the existing peerage, but the other principle that three important requisites for the strength of the Chamber would be found in its having popular authority behind it, in its opening to the whole of His Majesty's subjects free and equal access to the Chambers, and in its being made responsive to the thoughts and sentiments of the people, also prescribed that the large majority of the members should be so chosen as to enjoy that popular authority. It is with the constitution of this majority that this narrative begins.

11. The Conference rejected the idea of having a Chamber elected on the basis of a property qualification, possessed by a privileged class of voters, and also that of requiring a property qualification for the persons to be elected, restrictions which have been adopted in some countries, but which were deemed unsuitable

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to modern conditions. Neither was it thought that the plan (sometimes suggested) that the persons chosen to sit should be taken from certain prescribed categories (e.g. from those who had filled some public office) would work well, for it would be very difficult to draw up any satisfactory list of categories which might not be either too large to be useful, or too restricted to permit many men of eminence and worth to be admitted as nominees. The Conference then proceeded to examine five methods that might be adopted for constituting that popular element in the Chamber which it had been agreed to make predominant.

Various Alternative Methods of Composition

- i. Nomination.
- ii. Direct Election.
- iii. Election by Local Authorities.
- iv. Selection by a Joint Standing Committee of both Houses.
- v. Election by the House of Commons.

Method of Composition Adopted

25. The method of election by Members of the House of Commons grouped in large territorial areas having been thus adopted by the large majority of the Conference, the next step was to constitute the proposed geographical groups to which the function of electing should be assigned, and to settle the number of seats in the Second Chamber which each group should elect, the respective populations of the areas of these geographical groups being taken as the basis for the number of seats to be allotted to each area. It was necessary that the areas should be comparatively few, that the boundaries of counties should be respected, and that their respective populations should, so far as possible, be nearly equal. The plan of voting by Proportional Representation, which was adopted because it would help to secure a due representation of all political parties, made it desirable that the number of seats to be filled by each group should be not less than five at each election. Thus, assuming that the Chamber should be . . . renewed by one-third at a time, the total number of seats to be allotted to the area of each group would be not less than fifteen. These considerations and an examination of the economic conditions, agricultural, manufacturing, and commercial, of the different parts of Great Britain, and of the respective characters and affinities of their inhabitants, led us to a division of the Island into thirteen areas for the election of the Second Chamber. All, or nearly all, of these areas have the advan-

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tage of being what may be called "natural entities," the counties which compose each area having a certain natural connection with one another, and some of them even a measure of distinctive racial quality, corresponding to those ancient divisions of the country out of which the United Kingdom has grown. . . .

26. The large majority of the Second Chamber having been thus constituted upon a principle which was deemed such as would give a thoroughly popular character to the Chamber as a whole, the Conference had next to consider the means by which the historical continuity of the reconstructed Second Chamber with the ancient House of Lords could be preserved. Two arguments enforced the desirability of avoiding a complete breach with the past. One has already been adverted to. The respect which it is desirable that the nation should feel for the Second Chamber will be all the greater if it be regarded as an ancient institution remodelled in accordance with modern views and feelings rather than as a brand new creation. The other consideration was, that among the existing peers there are many men of distinguished ability and long experience in legislation and administration, men whose services the country would desire to retain. It was accordingly determined, some few dissenting, that a part of the Second Chamber should be chosen from the Peers. It was also deemed proper (though again with some difference of opinion) that among those to be thus selected a certain small number should be taken from the Episcopal Bench. The Spiritual Peers constitute one of the most ancient elements of the Great Council of the Nation, having sat in that Council before the Norman Conquest and formed at some moments before the Reformation (including the mitred abbots) about one half of it. Thus, as the principle of continuity suggested their presence, so was it also urged by some members that the legal position which the Church of England holds, Parliament being the body which legislates for it, made it proper to have in the legislature persons entitled to speak on its behalf and directly conversant with the work, social as well as religious, which it performs. In fixing the number to be taken from the existing House of Lords, it was thought proper to make it somewhat larger at the outset, in order to find room for those peers who had been taking an active share in public business, than it need continue to be in future years. Accordingly the Conference recommends that the number of this Section should be fixed at eighty-one, that, in the first instance, the whole Section should be chosen from the Peers, but that subsequently the number of Peers in this Section should be gradually reduced, in the manner described in paragraph 36, to thirty, the remaining fifty-one seats being thus thrown open to persons who need not be Peers. As will presently be seen it is thought necessary

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that both numbers, the temporary and the permanent, should be divisible by three.

27. For the election of these Peerage Members two alternative courses were open. One was to let them be chosen by the whole body of peers. This was rejected largely for the same reasons as had prevailed against the election of Members of the Second Chamber by the House of Commons as a whole, namely, that the election would be likely to fall under the control of party motives and party managers. The alternative course was to create a Committee of Parliament, specially qualified for this delicate function. The Conference accordingly proposes that a Joint Standing Committee of both Houses of Parliament be set up to be composed of men of authority and experience, and representing every political party. Those members of this Commission, who would come at the first election from the present House of Lords, and thereafter from the new Second Chamber, would be chosen by the Committee of Selection in that House. The members coming from the House of Commons might be chosen by the Speaker. It is suggested that five persons from each House would form a sufficiently large Electoral Commission or Committee. It would be set up at the beginning of each Parliament, and such vacancies as may occur in its membership would be filled up by the Second Chamber Committee of Selection, or by the Speaker of the House of Commons, as the case might be. Such a Committee might be trusted to see to it that due representation was given to every shade of political opinion.

Period of Tenure of a Seat in the Second Chamber

28. From the principle generally accepted in this country and universally acted upon in other countries, that a Second Chamber shall, as compared with the larger and directly elected House, represent the more permanent mental attitude and tendencies of the nation, and be more exempt from sudden and violent fluctuations of opinion, two conclusions seemed to follow:

First. That the tenure of a member of the Second Chamber shall be longer than that of a member of the House of Commons.

Secondly. That the Second Chamber shall not be renewed in its entirety all at once, but as to a part only, a proportion of its members retiring at stated intervals.

29. It is therefore recommended, applying these conclusions, that the tenure of a seat in the Second Chamber be fixed at twelve years for both the above-mentioned Sections; and that one-third of each Section shall retire every fourth year. This plan seems to offer two advantages — (a) that the Second Chamber, while not suddenly

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changing as a whole under a momentary popular impulse, shall be kept in constant touch with public opinion in a way which could not be secured under a scheme of Life Tenure, and (b) that it will always contain a considerable section of members who will have acquired legislative experience and a mastery of public affairs by a service of some length.

Legislative Functions of the Second Chamber

43. Only in one respect does this subject present any serious difficulty. It has always been understood in this country — and this is the practice in nearly every country where a Second Chamber exists — that the Second Chamber should be entitled to full power in the sphere of such legislation as is not of a financial character. It may revise and amend, and in some cases refuse to proceed with, a Bill brought to it from the other House. It may initiate ordinary Bills, both Public and Private. It may discuss all questions of general, domestic, and imperial policy. In financial matters alone is its range of action limited by the long established superior rights of the Popular House. Accordingly, it was with questions of finance and with these only that the Conference found it had to deal. . . .

45. It is recognized on all hands that Bills of a purely financial nature belong to the House of Commons alone and ought not to be rejected or amended by the Second Chamber. . . .

46. . . . The Conference accordingly recommends that such a Finance Committee, which ought not to exceed in number seven Members from each House, be set up at the beginning of each Parliament, and that either House should be entitled to refer to it any financial Bill containing provisions which raise serious issues that may be thought to be not solely of a financial nature. It would be the duty of such a Committee to consider not only the professed objects, but also the underlying purpose and the probable effects of such a Bill, in order to determine its character and to report which (if any) of its clauses are, as being strictly financial, fit to be dealt with by the House of Commons alone, and which (if any) may properly be subjected to examination and amendment by the Second Chamber in respect of the economic or social results to be expected from them, these being matters of general national policy. Should the Committee report in the latter sense, such provisions as were declared to be non-financial, would be open to rejection and amendment by the Second Chamber, subject always to the ancient rule that no amendments should be made by the Second Chamber which could increase any charge upon the people. If amendments were made in Bills that were declared to be non-financial, and these were

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not accepted by the House of Commons, the differences between the two Houses would be adjusted in the manner [now to be described].

Adjustment of Differences Between the Two Houses

47. The Conference then reached the last of the three subjects mentioned in our Terms of Reference, viz., the adjustment of differences between the two Houses. This has long been regarded as one of the most difficult of all the questions affecting the position and powers of a Second Chamber. It divides itself into two branches: (a) the methods of conciliation and compromise by which differences may be settled without any ultimate trial of strength; (b) some plan for final settlement when no compromise has been found attainable.

48. (a) Conferences between the two Houses to settle their differences have been an old part of Parliamentary machinery. They have however been of comparatively slight value, and little used in recent years, because the rules which governed them were stiff and cumbrous. It is therefore proposed to apply a simpler and more elastic method, which is really new, though it may fitly be called by the old name of Free Conference. The suggestion is that a small number of the most experienced, most judicious and most trusted members of each House be chosen at the beginning of each Parliament, due representation being given to all the parties that may exist in each House, to form a Standing Conference Committee, and that another smaller number be added by each House of persons who, while possessing the same merits as belong to the permanent element, should also possess in addition a special knowledge of the particular matter to be dealt with in the particular controversy. The permanent number might, it was thought, be twenty from each House, in order that the body should not be too large for easy and informal discussion and should not be liable to be moved by that warmth of feeling which is apt to increase with the numbers of any assembly. The number of additional Members to be added *pro re nata* in respect of special knowledge would be determined by the magnitude of the issue involved, but ought not (it was deemed) to exceed ten from each House, so that the total number of the body should not in any case exceed sixty. . . .

52. (b) The question remains to be considered, whether in the event of a compromise having been found unattainable by means of a Free Conference, some other, and, if so, what plan should be resorted to for the purpose of obtaining a final settlement of differences between the two Houses. Suppose, for instance, that the

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proposals for adjustment reported by the Free Conference have been accepted by one House and rejected by the other, what further steps would be required to solve the deadlock?

Three such methods were put forward for consideration and were very carefully examined.

53. The first was that the House which accepted the Bill as reported by the Free Conference should have the right of referring it to a joint sitting of both Houses. . . .

54. A second plan was that of referring the matters of controversy between the Houses to the country by means of a referendum or popular vote of all the registered electors. . . .

56. When it appeared that the judgment of the Conference as a whole did not favour either of the two plans above stated, it became necessary to search for some other method of adjustment. This was at last discovered by returning to and carrying further that mode of proceeding by Free Conference which has been already outlined.

It has been already observed that if a Bill reported from a Free Conference had been accepted by one House but rejected by the other, some further step would be required. This step would be to send the Bill back to the Free Conference, which would take up the matter again in the Session next following that in which the Bill originated. If the Free Conference should then, after further consideration, again report the Bill to the Houses in the same form in which it had been previously reported, the Houses would again consider the Bill.

If they both agreed to it, it would pass; if they both disagreed to it, or if the House of Commons alone disagreed, it would lapse. If, however, the House of Commons alone agreed to the Bill, and it had been reported by the Free Conference by a majority of not less than three of the members present and voting, it would be submitted for the Royal Assent.

Should the Free Conference, however, fail to agree to report the Bill again in the same form, or if the majority by which it agreed to report it should be less than three, the Bill would lapse, unless of course it was accepted by both Houses as reported.

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**TABLE OF JOINT STANDING COMMITTEES RECOMMENDED TO BE SET UP
SHOWING THEIR COMPOSITION, FUNCTIONS, &c.**

TITLE	FUNCTIONS	NUMBER	METHOD OF COMPOSITION	DURATION
Electing Joint Committee	To elect one-quarter of Second Chamber	10	5 to be chosen by Speaker 5 to be chosen by Committee of Selection of House of Lords and afterwards of Second Chamber	One Parliament
Financial Joint Committee	To decide whether Bills, or provisions, referred to them are Financial	11 or 15	7 appointed by Committee of Selection of each House, with power to co-opt Chairman from outside	One Parliament
Free Conference	To adjust differences between the two Houses with regard to Bills (or provisions in Bills) other than financial	60	A. 20 appointed by Committee of Selection of each House B. 10 additional members, similarly appointed, <i>pro re nata</i> , by each House	A. One Parliament B. For proceedings in Conference on a particular Bill

EXTRACT VII. PROPOSALS OF THE COALITION GOVERNMENT¹

The Earl of Crawford read in the House of Lords on July 11, 1922, the Government's "Resolutions on which to found a Bill for the

¹ *Gleanings and Memoranda*, Vol. LIV (1922), pages 129-131.

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Reform of the House of Lords." The Resolutions are five in number, and are as follows:

I. That this House shall be composed, in addition to Peers of the Blood Royal, Lords Spiritual, and Law Lords, of —

- (a) Members elected, either directly or indirectly, from the outside;
- (b) Hereditary Peers elected by their Order;
- (c) Members nominated by the Crown, the numbers in each case to be determined by Statute.

II. That, with the exception of Peers of the Blood Royal and the Law Lords, every other member of the reconstituted and reduced House of Lords shall hold his seat for a term of years to be fixed by Statute, but shall be eligible for re-election.

III. That the reconstituted House of Lords shall consist approximately of 350 members.

IV. That while the House of Lords shall not amend or reject Money Bills, the decision as to whether a Bill is or is not a Money Bill, or is partly a Money Bill and partly not a Money Bill, shall be referred to a Joint Standing Committee of the two Houses, the decision of which shall be final. That this Joint Standing Committee shall be appointed at the beginning of each new Parliament, and shall be composed of seven members of each House of Parliament, in addition to the Speaker of the House of Commons, who shall be ex officio Chairman of the Committee.

V. That the provisions of the Parliament Act, 1911, by which Bills can be passed into law without the consent of the House of Lords during the course of a single Parliament, shall not apply to any Bill which alters or amends the constitution of the House of Lords as set out in these Resolutions, or which in any way changes the powers of the House of Lords as laid down in the Parliament Act and modified by these Resolutions.

The Resolutions were introduced by Viscount Peel, Secretary for India, on July 18. He said that the Resolutions were a general sketch, laying down principles only which would afterwards have to be filled up. He went on to say that the Second Chamber should not have equal powers to, or become a rival of, the House of Commons, nor have the power of dismissing Governments or making the Executive equally responsible to both Chambers, but it should be powerful enough to oppose the House of Commons when convinced that the other House did not respect the settled opinions of the people. There was no question that the repeal, or the attempted repeal, of the Parliament Act in the present condition of affairs would give rise to a very acute and prolonged constitutional con-

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troversy. If the Parliament Act were repealed they would at once raise the question of how they were to deal with differences that might arise between the two Houses. There was, undoubtedly, some change of opinion in that House as regarded the weight and bearing of the Parliament Act itself. They now realised the great difficulty of driving the same Bill in the same form through three successive sessions of Parliament in three years.

The Resolutions were criticised by the Earl of Selborne, the Marquess of Lansdowne, and others. Lord Buckmaster was concerned as to how the "Labour" Party could possibly work with the House of Lords as it was now constituted. The resolutions provided no method of overcoming that difficulty.

Creation of "Labour" Peers: Discussing the Resolutions, the *Daily Herald* of July 18 wrote: "One of the first things a Labour Government will have to tackle will be the House of Lords. And the House of Lords can be tackled quite constitutionally so long as the Premier has the right to advise -- and insist on -- the creation of enough peers to give him a majority in the Upper House. It may be necessary, in order to abolish the House of Lords, to create seven hundred Labour Peers. No 'reform,' allegedly in the interests of political purity, must be allowed to prevent the possibility of that."

The *Daily Herald* of July 13 declared that the resolutions "embodied all the undemocratic devices which the Labour Party, whilst maintaining its objection to any House of Lords whatever, has by resolution of its annual conference declared to be totally unacceptable in any House that may be tolerated for a time by a modern democracy."

On July 7 the *Daily Herald* declared: "Labour's answer is plain and clear. We stand not for the useless limitations of the Parliament Act, not for any tinkering at reforms of the House of Lords, but for its root and branch abolition. We are out -- in the old phrase -- to 'end 'em, not mend 'em.'"

N.L.F. and Second Chamber Reform: The following resolution was passed by the Executive Committee of the National Liberal Federation at a meeting held on July 6: "Any reconstitution of the Second Chamber must continue the restrictions placed by the Parliament Act on the powers of veto possessed by the House of Lords, and must preserve to the House of Commons its present unfettered control of national finance, and any such scheme of reform which does not fulfil these two conditions will be resisted by the whole force of the Liberal Party."

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EXTRACT VIII. DECLARATION OF THE UNIONIST PREMIER, BONAR LAW¹

For a very long time every Party except the Labour Party has felt that if we are to have a Second Chamber at all it must be one founded on the confidence of the people, or otherwise it is not strong enough to fulfil its functions. As far as I recollect, that view was first expressed by Mr. Balfour, when I first became a member of the House of Commons. It was expressed afterwards by Mr. Asquith 'as a debt of honour which brooks no delay.' It has been agreed to by Mr. Lloyd George and his Government. We are all agreed about the necessity of it, but everyone who has studied it knows how difficult it is. Just for that reason, if you want tranquillity I would not dream of bringing a great constitutional question like that into the arena at the present moment. In any case, during the first Session, or the first two Sessions of Parliament. But we must, if the opportunity seems suitable, try to deal with it. . . . Do you suppose that we would try to carry a partisan view on a great question like this? If Mr. Asquith and Mr. Lloyd George and the others are sincere in desiring this change, we would certainly try, what was attempted before without success, to bring it about by general agreement. We would certainly not do anything that was purely partisan. I see it stated that what we will do will be to repeal the Parliament Act. I think that would be folly. I do not believe any Conservative Government would do it by itself, but by what I am saying I am going to make that impossible. I speak as the leader of the Party which is fighting this election. What I say must be binding, not only on me, but on my successors if I should not be there. I say I would not for a moment dream, I would think it utterly unfair to the men of differing opinions who are coming to support us, because they believe it is in the national interests, simply to repeal the Parliament Act, and leave things exactly as they were before it was passed.

EXTRACT IX. DECLARATION OF STANLEY BALDWIN²

Mr. Asquith said many years ago, at the time of the passing of the Parliament Act, that the position of the House of Lords as left under that Act could not remain as a permanency, and he regarded the Act itself as an emergency Act until time could be found to deal with the

¹ In a campaign speech. *Gleanings and Memoranda*, Vol. LVI (1922), page 557.

² In a campaign speech. *Gleanings and Memoranda*, Vol. LX (1924), page 539.

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whole question of the second chamber. His desires to complete the work on which he embarked have never been fulfilled. The position of the second chamber has never been properly regularised, and it is a matter of grave doubt whether safeguards in the Parliament Act as they stand against hasty legislation are sufficient to prevent it being carried behind the backs of the electors, particularly in regard to all bills which have financial provisions in them. The present regulation with regard to financial bills seems to open the door to far-reaching legislative changes being carried when they are not really financial changes but only camouflaged as such. So I think it is our duty to consider, within the framework of the Parliament Act, whether it is practicable to make provision for the machinery of the second chamber for preserving the ultimate authority in legislation to the considered judgment of the people, and, if it is practicable, the adaptation or amendment of the constitution of the House of Lords would be a necessary condition for carrying this into effect. It is a question of very considerable difficulty, but it is one of great importance, and if a Unionist Government would have time and power it would receive our attention.

CHAPTER VII

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THE uncertain future of English politics at the present juncture is well illustrated by the condition of the parties. It is true that, with the granting of Dominion status to Southern Ireland under the treaty of 1922 (see Chapter VIII), the Irish party, which has vexed parliamentary life for forty years and sometimes held the balance of power, disappears. But the rise of the Labor party has added a new and highly disturbing element. As long as Gladstone led the Liberals he managed to retain the support of the growing number of laboring men in the House; they acted simply as a left wing of his forces, known as Liberal-Labor. In 1893, however, Keir Hardie founded the Independent Labor party; and at the close of the century the Labor party (to which the Independent Labor party adhered without sacrificing its identity) was launched as a new group pursuing in the country and in Parliament a policy quite its own.

After the election of 1918 the Labor party was recognized as the official Opposition; and this notwithstanding the fact that, having won only 63 seats, it constituted less than an eleventh of the membership of the House of Commons. This situation came about, first, through the abstention of the seventy-three Sinn Fein members from Ireland and, second, through the cleavage in the ranks of the Liberal party. More than one hundred and sixty Liberals had been elected, but

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the great majority adhered to the Coalition government of Lloyd George. Only thirty-four, known as Independent Liberals, or, in popular language, the "Wee-Frees," stood aloof under the leadership of the former prime minister, H. H. Asquith. Though weak in number, they managed to keep control of the party organization throughout the country, and they still hoped that, with the collapse of the Coalition, the unity and power of Liberalism would be restored. Coalition, first effected under Mr. Asquith in 1915 and then continued under Mr. Lloyd George in 1916, avowedly for the purpose of war and reconstruction, came to an end in the autumn of 1922. In view of the approaching election the Unionist party, which had been predominant in the House for the past four years, reasserted its independence and, upon the resignation of Lloyd George, formed a government under Bonar Law. In the election Bonar Law secured a majority of 81 over all elements of opposition. The Labor party (with 142 members) considerably outnumbered both Liberal factions combined — the 64 Independent Liberals, led by Mr. Asquith, and the 53 National Liberals, led by Mr. George; and it had been much strengthened in parliamentary talent.

In May, 1923, Bonar Law retired on account of ill-health. Stanley Baldwin succeeded him as premier and leader of the Unionist party. Six months later, announcing a policy of protective tariffs as a means of combating unemployment, he dissolved the House of Commons. The country stood by free trade, however. The Unionist strength was cut from 347 to 257. The Liberals, at last reunited in the face of this new attack upon their cherished principle, won 158 seats; the

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Labor party, 192. When the new Parliament met in January, 1924, the Baldwin government was defeated by a combination of Labor and Liberal votes. J. Ramsay MacDonald, chairman of the parliamentary Labor party, became prime minister. His cabinet, though including a number of proselytes from the Liberal party (Lord Haldane, C. P. Trevelyan, Colonel Josiah Wedgewood, and Noel Buxton) and two Unionists (Lord Chelmsford and Lord Parmoor), was largely composed of trade union officials. The chief weakness of the ministry was inexperience; for few of the twenty men holding cabinet rank and none of those holding subordinate offices had served any apprenticeship in the business of government. Nor were many of their supporters in the House familiar with the traditions of parliamentary life or with the intricate rules of procedure. This first Socialist government, therefore, had peculiar difficulties to face, quite aside from the problems of the domestic and international situation; and it was further embarrassed by the fact that its very existence depended upon the friendly attitude of the Liberal party.

During its nine-months' tenure of office the MacDonald cabinet suffered frequent defeats in the House, but not on matters of large importance until, in October, Liberals united with Unionists in authorizing investigation of the withdrawal by the Government of a criminal prosecution. Mr. MacDonald thereupon appealed to the people. In the elections of October 29, 1924, the Labor party lost some 40 seats, the Liberal party almost three times as many. The Unionists, having 412 of the 615 members of the House, formed a Government under Stanley Baldwin.

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EXTRACT I. COMPOSITION OF THE OLD PARTIES: A SOCIALIST VIEW¹

The Unionist Party consists to-day primarily of three groups, of which one holds most of the power. The first group is the remnant of true Toryism, and is best exemplified by what is often known as the "Cecil clan." It believes in the State; but it believes also in the individual: it has traditions and habits of fair dealing which, however, are apt to stop short at the borders of its own class: it has a profound and abiding faith in authority, and this faith sometimes brings it into strange company, because it enables it to see through the shams of current political "democracy." It is, however, only an historical survival, owing what little power it still possesses to its past prestige and to the personal character of its adherents.

Next comes the powerful element in the Party — the business Imperialists. These were for a time Tariff Reformers by expediency; but Tariff Reform was only an isolated expression of their attitude, and not its fundamental basis. They are predominately world-exploiters, men whose internal and external policy alike are directed by the interests of "big business." They are industrialists rather than financiers, and their noses are for ever asniff for new markets. Their domestic attitude is dictated by the desire for cheap labour-power, by which some of them mean low wages, and the more astute increased output and greater efficiency in a capitalist sense.

Third come the militarists and apostles of *Macht*. They shade into the business Imperialists by imperceptible gradations; but they are essentially different. They want business success and world-exploitation; but they want these things as a means to Empire and world domination. They would paint the map red merely from a natural love of red paint, for which blood affords a superior substitute in their eyes. The business Imperialists want Empire because "trade follows the flag"; the Militarists want trade because the flag so persistently follows it.

Let us now apply the same method to the Liberal Party. This is, in some respects, less easy to analyse, especially as it is now largely breaking up. We must therefore confine our first analysis to Liberalism as it was before the war.

The Liberal Party before the war presented the paradoxical spectacle of a party with profoundly individualistic traditions busily engaged upon a programme of bureaucratic Collectivist legislation. The seeds of its war-time disruption were already beginning to sprout before the war. But the essence of the Liberal programme

¹ G. D. H. Cole, *Labor in the Commonwealth* (B. W. Huebsch, 1919), pages 97-101.

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before the war was combination of Individualism for the rich with Collectivism for the poor. By this combination of contradictory doctrines it sought to reconcile the heterogeneous elements among its supporters.

Of the big groups upon which the Liberal Party was based two stand out as of predominant importance. The first of these is the huge capitalist and financial interest which still clung to a *laissez-faire* policy in matters of trade, and preferred a free opportunity to sell its commodities, hire out its commodities, hire out its shipping, and lend its money in any quarter of the globe, irrespective of political considerations, to a systematic policy of imperial development. Shipping, cotton, and finance were the basis on which this group rested, and the importance of these industries is the measure of its economic and political power.

The second group was not economic, but social and religious. It included the bulk of Nonconformity, and was largely middle class in composition, though it was led by rich Nonconformists of the governing classes, and had its mouthpiece in Mr. Lloyd George. The desire of this group for a policy directed against the "privileged" classes and the Establishment and for measures of "moderate social reform" was reconciled in Mr. Lloyd George's social policy with the desire of the Liberal industrialists and financiers for the maintenance of capitalist individualism. The policy was, as I have said, Individualism for the rich and Collectivism for the poor.

More and more distinct from these two groups as the social policy of Liberalism has expanded and appeared in its true colours has been the small Radical wing of the Liberal Party, which has now for some time been in a state of almost open revolt. But this group neither has any considerable influence inside the party, nor is capable of forming a party of its own. For it rests primarily upon a negation. It denies the policy of Bismarckian intervention which Mr. Lloyd George pursued during his years of virtual leadership; but it has no constructive alternative of its own. Of what it would do if it had the power it gives, as a group, no hint. Mr. Wedgwood and Mr. Outhwaite have certainly a constructive platform, if a narrow one, of their own; but the Radical group as a whole is almost confined, by its personnel and its point of view, to an opposition which is ineffective because it is not constructive.

The complaint will, no doubt, be made that it is difficult, if not impossible, to fit into the analysis of the two capitalist parties some of their principal parliamentary leaders. That, however, is not really an argument against the analysis; for I am analysing not so much the politicians themselves as the forces behind them, by which in the last resort their actual policy is dictated. The politician may

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sometimes have a personality of his own, and even make his own speeches; but, when it comes to acting, his policy on important issues is usually dictated, not by his personal preferences, but by the forces on which his party depends for its support. He may, of course, make a policy of his own; but his power to make such a policy the policy of his party will depend upon the support accorded to it by the "interests." For, more often, he does not make his own policy, but merely pieces it together out of the various claims of the interests on which he depends. That is to say, most of our leading parliamentarians are not statesmen, but politicians.

EXTRACT II. A DEFENSE OF THE COALITION ¹

[This address, delivered before the National Liberal Club early in 1920, shows David Lloyd George in one of his most effective moods as a platform speaker. It suggests how deep the cleavage had become between the two factions of the Liberal party and how far the premier was ready to go in antagonizing the Labour party, which often acted with the Independent Liberals in the House of Commons.²]

I delivered a speech last week, and I have got an unfortunate knack of provoking controversies. I do not intend it. I have been attacked from two quarters. I have been attacked from the Labour or Socialist Party, and I have been attacked from Mr. Asquith's Party. There is only one thing upon which they agree, and that is that it is an absolute act of impropriety to defend the Coalition. You can vilify it, you can misrepresent it, you can oppose it, you can attack it, but to defend it is positively indecent on the part of anybody. Their notion of a fight is that the opponent should have his hands tied behind his back, and that they should go on pummelling and kicking him without any protest. Well, that is not my notion. I am going to deal with both these attacks, and I will take the more important first — the Socialist attack. It is more important because it represents a larger following. It presents the only real alternative. You have only got to read Mr. Asquith's speeches in the House of Commons in order to realize that there is no other alternative as far as he is concerned. I have heard two of those speeches, and I have had the greatest difficulty in getting up to reply, because I agree with him and he agrees with me. I am going to begin with the party which provides the only alternative. I have been attacked on the ground that I misrepre-

¹ *London Times*, March 27, 1920.

² Mr. George even more vigorously denounced the Labor party on March 23, 1921. "Parliamentary institutions are just as much menaced as private enterprise," he said, "and there is to be substituted for them the rule of class organisation." *London Daily Telegraph*, March 24, 1921.

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sented that party. Well, I have no desire to do so. They represent clear, emphatic, sincere convictions. They present an idea which is an arguable one; an idea which has been believed in by some of the greatest idealists in the world, and I would not talk about them except with the greatest possible respect; and if anyone imagines that I have made an unfair attack upon them I should be sorry.

What did I say? I said two things about them. I said, first of all, that the progress they had made during the last few years was phenomenal. Well, now, is that an attack upon them? It is true! The second thing I said about them was this — that in the forefront of their program, and as an integral part of it, you had the doctrine of common ownership. Do they deny it? Is it abuse? Is that misrepresentation? I read very carefully everything that was said by Mr. Clynes, Mr. Henderson, and by all the apologists of that party. There was not one of them who denied the statement that the doctrine of communism, of common ownership, was an essential part of their programme. They cannot deny it. They dare not deny it. If they did, their party would be rent and shattered from top to bottom. Well, I wonder where the misrepresentation is? I think they are a little angry that I gave publicity to that fact. It is continually suppressed except at public gatherings. But you cannot suppress it. There are friends of ours who say: "They don't mean it. It is only something that is put in there to conciliate a section of their own party." That is a very dangerous doctrine in these days. These are not normal days when you might put things of that kind in and they might mean nothing. These are tropical days, when seeds put into the ground spring, sprout, mature, and bring forth fruit with startling rapidity, and you cannot put doctrines of that kind in the forefront of a powerful party and then say that it means nothing. Supposing that by any chance they won a General Election. I am not putting something which is an impossibility. Take the by-elections. They are not so very far behind the most powerful party in the State; not so far behind! Supposing they won their election and they formed their Government. You may say: "Mr. Clynes, Mr. Henderson, and Mr. Thomas, they are all moderate men and they won't do these things." They would have to do them. They would have to do them or break faith with the people who put them in. They are not the men to do that. They are honourable men. And can you risk the trade, the commerce, the industry, the life of this nation, upon the mere chance that Mr. Clynes and Mr. Henderson will break faith and betray their supporters? Society can take no chances in these revolutionary days.

I will show you what I mean by reference to what appears in a leading article of the official organ of the Party. I do not mean the

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Daily Mail. That is the unofficial organ. (Laughter and Cheers.) I mean their official paper, the *Daily Herald*. This is in reference to my speech and in reference to Mr. Clynes' and Mr. Henderson's answer to my speech: "Labour, both political and industrial, means to put an end to the capitalist system. It means to have a co-operative commonwealth. It has sent to the bottom all the evils of competitive capitalism, which is discredited in every way." It goes on to say: "The Labour movement may differ within itself on isolated points. It may differ at any given moment about tactics, but it is for all practical purposes solid in its determination to overthrow Capitalism and substitute Socialism. It follows that it would be impossible to attach too much importance to the by-elections of the moment." 'That is exactly what I said last week, almost in so many words, and here is a little paragraph, very useful for those who are still under the delusion that the Labour Party is going "to draw water and hew wood" for the Independent Liberals: "By this means we believe it will be assured that when the General Election comes there will be no sort of hesitation or compromise, there will be no linking up between the people labelled advanced amongst the Liberals and the less advanced among the Labour Party." That is the doctrine which is laid down by their official organ. What I quoted is a passage from their official programme, and therefore it behooves us to realize in time, before, by concealment of the truth, this party snatches a victory. Let the nation realize before it does so what it means, and make its choice deliberately with its eyes open.

There has been a good deal of cheap and sloppy commonplace talk about my speech being an attack on class, and on class lines. What class did I attack? What class? The working class are not responsible for that programme. We should never have been in power at the present moment unless we had millions of workers working for us. At the by-elections the Coalition vote is still at the top. What does that mean? It means that the working class are still supporting us. I will tell you where that has come from. This is not a movement which has started among the working class. You have got a group of men who have received a lopsided education and, because they have no experience of affairs or work, in factory or field or shop or office, pretentiously call themselves intellectuals. (Laughter and cheers.) That is where this programme has come from, and they undoubtedly have secured a considerable measure of support from among the working classes, but the vast majority of the working people of this country have repudiated it. And their common sense, in my judgment — if we make it clear to them what it means — their common sense will save them. Mr. Asquith, in the very speech which he delivered here and in the speeches which he delivered in Paisley, quite agreed with

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my point of view. But when I attack it, it is class warfare. When he condemns it, it is high statesmanship.

And that brings me to the other attack. I will deal with the few points made by Mr. Asquith in his speech in this very room. I will deal first of all with the least important parts of that speech — what was said by him about Paisley.¹ I think he said that my statements about Paisley in the speech last week were masterpieces of fiction. Well, let us see. What did I say? I said, first of all, that he received coupons from five or six Unionist lords. Is that true? Of course it is true! I can name them. There is Lord Northcliffe, Lord Rothermere, Lord Chaplin, Lord Lambourne, and Lord Robert Cecil. He received the support of all these gentlemen in their newspapers, and some by letters, and it is rather a shabby proceeding, when you have cashed a man's cheque, to say that you knew nothing about it, and that, if you did, it was very little use to you. (Laughter.) But may I, as an old friend, give him one word of warning about some of these lords? I know them, and I would advise him in a friendly spirit not to walk too far along the canal towpath with them unless — unless he can swim! (Laughter.) Now, that is one statement I made. What is the other? I said that a Unionist newspaper, with a large circulation in that area, had given him support. He denies it. Well, I am surprised. That is really mean. The *Glasgow Evening News* is a Unionist paper. It has a Unionist proprietor, and it is a Unionist paper, and it supported Mr. Asquith steadily through the campaign in Paisley. I am told that I said it had the largest circulation in that area, and that that is not true. I do not know, but it has a very considerable circulation, and it gave support to Mr. Asquith. That is my second statement. The third was that a very large number of Coalitionists supported Mr. Asquith. Well, that is my information. There was the very fact that he was only chosen in the Liberal Association by 93 to 75, so a very considerable number of Liberal Coalitionists certainly must have voted for him, and my information is that the support he got, especially from the *Glasgow Evening News*, brought him a very considerable number of Unionist members as well. Why should he repudiate it? And then comes the fourth statement I made — that the machinery which from the outside had supported Mr. Asquith for Paisley afterwards supported Sir William Sutherland for Argyll. There he is and he knows it. But, still, he is very angry that I should have said that he got in by Unionist support; and he says some very unkind things about me and about the lot of us. He says something about organized insincerity. Well, in the first place, the insincerity is not true. I wish the organized were true.

¹ Mr. Asquith, having been defeated in the general election of 1918, became a successful candidate at a by-election in Paisley.

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(Laughter) I have another thing to say about that — it is borrowed invective, it is the old phrase of organized hypocrisy which was hurled against another Coalition, the Coalition of Liberals and Conservatives which carried the abolition of the Corn Laws, and which has put a portrait of Sir Robert Peel in a Liberal club. That was the charge made then. It was not true then, and it is not true to-day.

The next thing he says about me is that I am a demagogue. Well, I am rather proud of that. Some of the greatest men in English history have been called demagogues — Chatham, Gladstone, Bright, Chamberlain. I could give you many more. In fact, it is the epithet which is always hurled by the dull and the pompous against any man who has got a greater power of appealing to the masses than they have. But what does it all come to? What did that speech mean? I read it carefully, and, as usual, it ends in nothing. I had seen reports of tremendous things that were going to happen, and I was told afterwards that if you read carefully into it you would find what it meant. The National Liberal Federation was going to act. It was going to cut us off from the land of living Liberalism; we were no longer to receive the resolutions; never again were we to have the magazine, with nice extracts from the speeches of Sir John Simon. In fact, they were going to cut the gas off, and leave us in the dark, or rather leave us to the daylight.

It may come. I am told that there are going to be organized attacks in our constituencies. It will not be the first time but it will have the advantage at any rate, that they will be open attacks, and not underhanded ones! They will go down and say, "You must be free and independent Liberals" — that is, "You must choose the people we tell you to choose." That is what freedom means. You must do what you are told. To be free you must be tied to Abingdon-street¹; to be independent you must be dependent on Abingdon-street. I know now what the word means. I did not understand it before. They will go down to my constituency and they will say to the poor benighted Liberals there: "We have come to make you free and independent." But they will say: "We are free and independent." "Oh, no, you are not, you have chosen Lloyd George, you cannot be." But then they will say, "We chose him freely and quite independently." "Yes, but you are not doing it with the consent of Abingdon-street." These poor Welshmen are slow witted people, as you know, and they do not take things in very quickly. They will say to them, "Well now, would you mind telling us what your objection to our member is?" "Oh, he is a most objectionable person. First of all, he has betrayed Liberalism." They will say, "Would you mind telling us how, when and where?"

* ¹ The headquarters of the Liberal Central Association.

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"He has associated with Tories." But then the Welshmen will say, "So did Mr. Asquith; he led them for eighteen months. He says he will not go into a Tory chariot, but he drove it at one time. There were the same planks in it as there are now. There are just two or three that have dropped out. Lord Lansdowne, Lord Robert Cecil, and Sir Edward Carson are out. But on the whole it is the same chariot. He says in his letter that if it had not been for the spill he would have been driving it now — until Peace had been declared; that means he would have been at it now." I am afraid that they would say, "Your objection is not to the chariot, but to the driver." Then they will explain to my constituents — if you do not mind I would like to put it in this dialogue form because it enables me to understand it, I want to see how it will work out — and they will say then to them: "Yes, it is perfectly true that he associated with Tories, but it was only during the war. You have got to associate with all sorts of people during the war." Tories could sacrifice themselves for the war, but when Peace is declared you must not touch them. And then they will say, "Does not Lord Robert Cecil now co-operate with you? He is a Tory. He actually resigned from the present Government because we would not practically repeal the Disestablishment and Disendowment Act." "Oh," they will say, to use Mr. Asquith's words, "he is highly respected and broadminded." But then they will say, "Is not Mr. Balfour highly respected? He was a member of Mr. Asquith's Coalition, but he is so no longer."

The other question that will be asked will be this: — "Supposing you have no majority at the next election, do you guarantee you will not have to coalesce with Tories?" And they will say, "That is a different matter. We did not say that you never could coalesce or co-operate with Tories. What we say is you should never associate with them; it is not safe to do so, unless you are chaperoned by Mr. Asquith." That is not a very clear position. There are not very many high principles involved there. If they cannot form a Government without coalescing, they cannot have an independent majority. They themselves know it. Sir Donald Maclean, in one of his most exuberant moments after the Paisley victory, predicted that in a day, not distant, the Independent Liberals would have 200 members in the House of Commons. That is not one-third of the House of Commons. That does not give them a Government. You must have an independent majority or coalesce, and you do not make yourself independent by calling yourself independent.

Where have we betrayed Liberal principles? Look at the record of our legislation. Take the Liberal Ministries of a generation. They never carried as many democratic measures of reform as we have succeeded in carrying in two or three years. That does not mean, the

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Tories or Unionists have abandoned their principles. After all, Lord Ashley was a Conservative, and the author of "Sybil," who called attention for the first time to the degraded condition of our working population, was a Conservative, and where you get an opportunity of unity between parties for the purpose of lifting the people out of these conditions, for Heaven's sake take it. Then they said: — "There are two things you have done which show that you have abandoned Liberal principles. The first is you have taken six Ulster counties out of Ireland." There I followed the lead of Mr. Asquith. He was the first to do it, and he is right. The other is the Anti-Dumping Bill. There, again, I followed Mr. Asquith.

Take the Paris resolutions, with their protection of key industries, with their anti-dumping proposals, with their ring against the commerce, the industry, and the merchant marine of Germany. They do not like talking about the Paris resolutions. Mr. Runciman, two or three days ago, speaking in Scotland, repudiated them in the strongest language. He talked about "Cruel and brutal." I was surprised. Poor Paris resolutions! I remember so well Mr. Asquith introducing them to the House of Commons, and saying, "What fine babies they are," and he picked out two of them for special notice, the last two — the anti-dumping one and the one for bringing Germany round, and he said confidentially to the House of Commons that Mr. Runciman was the fond parent of these twins — the result of a visit to Paris. But Mr. Runciman is ashamed of them now. He has applied for a new situation, and it is very awkward to have these things about. They are so difficult to explain, so he vows in his speech to the Scottish Free and Independent Liberals that he will strangle them the first chance he gets. But I may say Mr. Asquith talked very nicely about the little things. He said that they were Free Trade, and he was all for it. It is all very well for Mr. Runciman to repudiate his war babies. After all, they were quite willing at that time for the purpose of winning Unionist support to bring them forward, to dandle them, to exhibit them, and to vow that they would do their best for them, and now that we are supporting the Anti-Dumping Bill, which does not go as far, we, forsooth, are traitors to Liberal principles. That will not do.

There is another offence that we have committed. We seem to have refused to support certain Liberal candidates at the last election. Whose fault was that? They constantly opposed the present Government during the whole time we were trying to conduct the war under most trying conditions. Whenever we came to a difficult moment we always found them doing that, and when the election came and we were confronted with the most gigantic problems of resettlement and reconstruction that any Ministry has ever been

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faced with, or that any land has ever been faced with, they refused then to pledge themselves to support us and to see us through. They said that they would give us independent support. Independent support is just like an independent prop. It does not hold the roof up. Go to the miners and ask them whether they would like to trust their lives to free and independent pit-props.

If you are going into an enterprise which requires all the energy, all the courage, all the thought that any man can give to it, he must have a support that will enable him to cleave his way through the difficulties, and they refused to give it. Let me ask you in all sincerity, those who read Mr. Asquith's speech, and I ask his supporters, is there enough material in that speech, apart from personal strife at this supreme moment? I am not against partisan warfare. It is the life of the community. It quickens the intelligence, it purifies politics. I am not against it, but the time has not come for it yet. To you, who read Mr. Asquith's harrowing pictures of the state of Europe, his speech yesterday is his answer to his speech on Wednesday. Starvation in Europe! What is his remedy? The time has come, so he says, and so the National Liberal Federation says, to restart party wrangles. That is the remedy. Just think what that means. Follow me to a peace conference, to the council which is sitting now within a few yards of this place. You there have got gigantic questions bearing upon the settlement in the East, the protection of the Armenian, the settlement of Europe — three questions which Mr. Asquith raised. We sat for days thinking out the causes, thinking out the remedies for unrest, for oppression, for distress, for the hunger of Europe. Supposing party warfare had begun, I should have had to say to them: "Gentlemen, I am sorry I have got to leave you. I cannot assist you any longer in considering these problems. I have got to attend a series of meetings to discuss the differences between the Paris resolutions and the Anti-Dumping Bill." Before you settle Europe, before you feed Europe, you must settle the old differences between Tweedledum and Tweedledee. The time is too serious for that.

Everywhere in Europe you have unrest and unsettlement. In two-thirds of Europe you have no settled government to-day that you can depend on. Authority is weakened and weakening. Are you sure it will not spread? Take even the most settled countries, America, France, Great Britain, and Italy. There are more strikes than there have ever been within living memory. I go straight from here to settle a vital dispute with one million workmen of this country who are producing something which is essential to the life of the community, and I am to engage in party warfare and conflicts as if nothing particular were happening.

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I looked at Mr. Asquith's speech to see what remedy he had for all this, what constructive proposal, what suggestion. There were worn-out tags: he would not be tied to anybody else's chariot; he was not going to hew wood for anybody else; he would not draw water for anybody — not a single constructive suggestion for our great world-crisis. Words, words, words. You cannot feed hungry Europe out of a dictionary. Can he see any way of mending these difficulties except Coalition? Where is the material for a Government in this country except in Coalition — I do not say this Coalition, but a coalition of the parties. Where is it? He himself knows that if there is a dissolution to-morrow he could not form a Government without coalescing. He says, "Oh! well, there is the Labour Party. There are many roads we can travel along side by side." That is not what makes a Government. To make a Government you must map out your journey, you must make up your mind where you are going to, and you must know who is going right through with you. What is the good of men who say, "We will come along your road as long as it goes our way," and the moment they come to a crossroad which suits them better they leave you to push the cart along alone, and then they say, "We will come back sooner or later"? What is the good of that? You must get the men who will take the cart right along.

Let me say another thing. Coalition is giving and taking. Coalition does not mean that one of the party gets everything and the others nothing. In a Coalition you must carry your partners' parcels in the cart as well as your own. Mr. Asquith knows that, and whether he coalesces with Socialists or with Unionists — and whether he coalesces with one or with the other depends entirely on the bids — he will find exactly the same difficulty and he will have to meet it in the same way.

You may ask us, "What is your journey? What are you aiming at? Where are you going?" Our journey is peace throughout the world, and reconstruction. Until that is done the task of Coalition is not over. It is essential. You have only to look at America to see what a premature resurrection of party strife means. The League of Nations torn to fragments in a struggle between parties, dead on the floor of the Senate. What would have happened here? Have you read that document? I am a believer in it. I took a leading part in putting it there. But do not make any mistake. If it had been hotly contested by a great party in this country, there are a good many points of prejudice which you could have excited exactly as you did in America — British interests here and British interests there, and "Are you going to bow to this country, and are you going to defer to the other?" All these things would have been said. It was by unity among the parties that we carried it through.

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Mr. Asquith said, in reference to Mr. Bonar Law's observation that there were no divisions on party lines within the Cabinet, that there ought to have been. On what? Ireland? Supposing there had been, supposing the Liberals in the Cabinet had said, "We must get more, we insist on going further," and the Conservatives said, "You will not, or we will not go at all," and there had been a break up. Does anybody imagine that the cause of Home Rule would have been advanced? I will tell you what would have happened. You would have had a great party in the State, driven by the newly-resurrected spirit of partisanship, inevitably perhaps, to fighting against almost any proposal. Do you know what would have happened then? The whole squalid tale of Irish treason during the war would have been engaged against the giving of self-government to Ireland. You would have put back self-government for a generation. It is only by unity among the great parties that you can carry anything through, and I regret in my heart that Mr. Asquith should be attempting to break up that unity on the question of Ireland.

There are people in theology who believe that unity is essential, that you ought to have one organisation, and that anything else is schism. I was not brought up that way. I was brought up as a sectarian, as a denominationalist. I was brought up to believe that sectarian divisions were stimulating; energising, cleansing; that they emphasised truth and aspects of truth which were apt to be forgotten in a dull uniformity. I am not going to determine which of these two great schools is right and which is wrong. All I say is this — there are times, even for sects, when great moral and spiritual issues are being challenged, when all denominations, all sects feel that the time has come, not for abandoning their principles, not for giving up those truths they fought for, but for suppressing, for subordinating their quarrel, their contention, in order to unite for one great national and spiritual purpose in a land. It is equally true in the realm of politics. In normal times, I should say most times, the things that parties differ about are the things that matter most to the community. Very often in abnormal times the things that parties agree about are often the things that are most important. When you then insist upon the things that matter least because you hate unity, that is shallow bigotry and pedantry, and it damages the party or the sect to which you belong far more than anything you can do.

These are great and critical times. The world is suffering from a kind of nervous headache after a terrible shock — it is querulous, it is contentious, it is peevish. Everybody blames everyone else. These are times when you need above everything else patience, forbearance, tolerance, courage, and good humour. With them we shall pull

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through. So much depends on Britain to-day — so much more than I care to tell you, because I do not wish to excite international rivalries or jealousies; but I tell you in all solemnity more depends on Britain to-day than on any land under the sun. Her prestige was never higher, her influence in the councils of the world was never higher. If we resort to party jangling among ourselves you will debase that influence to the level of the German mark. This is the time for unity. Let us heighten our purpose, let us strengthen our resolve, let us reawaken our courage, and let us work together in order to sustain to the end Britain's mission in the world in the greatest moment of her history and that of this earth.

EXTRACT III. LIBERALS AND THE COALITION¹

[British parties are accustomed to hold annual conventions composed of delegates from the local associations. This brief account of the Liberal meeting of 1920 indicates at once the predominance of Independent Liberals at that time in the party organization outside of Parliament and their hostility to the Coalition Liberals, or supporters of Lloyd George.]

The Leamington meeting of the National Liberal Federation last week unhappily achieved nothing but the accentuation, almost to the point of complete rupture, of the divisions of the two wings of the party.

After an hour and a half of proceedings which were a travesty of public debate, the half-dozen Coalition Ministers and the fifty Coalition Liberal members who had come to the Leamington meeting in self-vindication walked out of the Assembly Room while Independent Liberals — 80 per cent of those present — lustily, even defiantly, cheered their exit.

The word excommunication had recurred in the Coalition speeches with ominous frequency, and this almost truculent valedictory from the Independent Liberals suggested that they had come fully prepared even for that alternative. The cheers of the Coalition members, flung back at the meeting from the street below, only prompted several delegates to ask quite coldly that all the doors might be closed.

The ostensible occasion for the withdrawal of the Coalition members was a ruling of the chairman against Mr. Kellaway. But the real reason was that each succeeding Ministerial speaker — Dr. Addison, Dr. Macnamara, and lastly, Mr. Kellaway — had had to

¹ *Manchester Guardian Weekly*, May 22, 1920.

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battle against a climbing wave of hostile cheering and booing until with Mr. Kellaway audible speech became impossible.

Mr. Kellaway certainly opened with an unfortunate remark. He recalled the cabal against Sir Henry Campbell-Bannerman, and claimed, with a seeming provocative design, that he was fighting for Liberalism when some of his hearers were attempting the political assassination of Sir Henry Campbell-Bannerman. It was more than enough for an audience which from the first had not allowed a single phrase of Coalition apologies to pass without a challenge, always angry, and at times downright mad. It was a sufficient pretext for declining to hear any more.

The protests gathered volume the more Mr. Kellaway tried to make himself heard above them. The chairman broke in with an appeal for a hearing for the speaker. A delegate shouted almost convulsively that the meeting would not hear Mr. Kellaway until he had withdrawn his aspersion upon the former loyalty of delegates to Sir Henry Campbell-Bannerman. Mr. Kellaway was smilingly immovable. "I have made no statement which was not absolutely true," he declared, with a calm that only aggravated, "and I will not withdraw."

All the Independent Liberals made a common effort to shout Mr. Kellaway down. He remained standing at the right of the chairman's table, but he made no attempt to speak, for it was clearly impossible. In this way the ten minutes allotted to him ran out. Mr. McCurdy first and then Sir Gordon Hewart sought to persuade the chairman that the time occupied by interruptions should not count against Mr. Kellaway. The chairman decided otherwise, and called upon Mr. George Thorne, M.P., to speak. Mr. Kellaway refused to give way to Mr. Thorne. Mr. Brampton told him amid the restored calm which his rising always enforced that he was defying the chair. Mr. Kellaway looked at the moment as though he would defy the lightning, and always with a smile.

In this impossible situation Sir Gordon Hewart, who was to follow Mr. Kellaway, rose. The Attorney General found no favoured treatment awaiting him at the hands of the audience. He was vehemently hissed as his confreres had been. There were warm plaudits for him, however, from the Coalition members of Parliament in the body of the hall.

He recognised, he said, that the majority could shout louder than he could speak. He saw also that they were anxious to vote without hearing any arguments. "In these circumstances," he added incisively, "and as a protest against the concerted unfairness and the insults to which we have been subjected, I decline to speak."

Here followed a scene the like of which one has rarely witnessed.

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The fifty Coalition Liberal members jumped to their feet, cheered the Attorney General, and then on an appeal Mr. Leng Sturrock raised a sustained ironical cheer for "Freedom of speech."

Then, as by a common impulse, the Ministers moved across the platform and the members across the floor of the hall to the door and so out into the street. They were followed by about twenty delegates.

This incident of the withdrawal of the Coalition members can only properly be understood when related to the general course of the proceedings. An unfortunate arrangement of the seating had drawn a physical line of demarcation between the small body of Coalition Liberal members and the Independent Liberal majority. A false atmosphere of mutual antagonism was thus created from the beginning. The coalition members rose from their forward seats to acclaim the arrival on the platform of Sir Gordon Hewart, Dr. Addison, Dr. Macnamara, Mr. Kellaway, and Mr. McCurdy. The Independent Liberals occupying the rest of the floor interpreted this action as a challenge and, not content with booing and hissing, hurled such epithets as "Rats" and "Jellyfish" at the surprised Ministers.

Mr. Brampton's speech in moving the Executive's resolution declaring for an independent party put the Independent Liberal view uncompromisingly enough. The choice for Liberals, such was his argument, was between a section which really represented Liberalism and a section returned by Tory votes acting in harmony with an overwhelmingly Tory Government, and even preparing the way for ultimate fusion with Toryism. So far from a period of reconstruction being the justification of a Coalition Government, it called imperatively for the courageous application of Liberal principles.

Rather mordantly Mr. Brampton added that any Prime Minister who believed that a period of reconstruction warranted the brushing aside of Liberal principles might be an honest man, but he was not a Liberal. Mr. Brampton spoke to a chorus of encouraging cheers from the Independent Liberals, and amid a good deal of interruption from exasperated Coalition members.

The Hon. George Peel, as seconder of the motion, contrived to whip the Coalitionists to positive anger when declaring that Mr. Lloyd George had crossed his Rubicon. He added, "and some of his luggage is to be seen here to-day."

EXTRACT IV. UNIONISTS AND THE COALITION¹

[Although the Unionists did not break free from the Coalition till the autumn of 1922, a significant restiveness was manifested two or three years earlier both in the local associations and at the annual

¹ *Manchester Guardian Weekly*, June 18, 1920.

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meetings. In 1912, it should be noted, the Conservative and the Liberal-Unionist parties, which had coöperated in the most intimate fashion for a quarter of a century, were merged in the National Unionist Association or, to use the name adopted in 1924, the National Union of Conservative and Unionist Associations.]

The meeting of the National Unionist Association at Birmingham, which was held last week, was a delicate business demanding a good deal of management in order to avoid something like a rupture. As it was, dissent from the general policy of smoothing things over was far from being wholly suppressed, and one gentleman went so far as to charge the Prime Minister with "a deliberate attempt to assassinate the Conservative party," while a working man from Monmouthshire — that is, almost a Welshman — warned his fellow-delegates that if they did not cut loose from "the hypnotic little Welshman" with his blandishments there would soon be no Conservative working men left. All of which goes to show on how precarious a basis the present Coalition rests. Indeed, one is constantly impelled to ask oneself what would happen to it if, by any chance, the hypnotic little Welshman were withdrawn from its support. Who can doubt that, in that not impossible contingency, it would speedily and entirely collapse? The further question thus necessarily suggests itself: What is the value of a political combination, depending for its very existence on the stability of a prop so slender? What is to be thought of an organisation possessing in itself so little of inherent strength, that it is wholly dependent on the will of a single man? What distinctive policy can it represent? Or does it in truth represent not so much a policy as an expedient? Is it in the nature of a political party which, like the older parties it aspires to supersede, must rest on settled convictions and a well-understood tradition, or is it rather to be classed as a political cabal which is independent of these things and exists rather by ignoring or suppressing them, a creature of convenience and of the hour?

Such doubts must obviously have been present to the minds of those dissidents who, though discountenanced and shouted down at the meeting, had a good deal more to say for themselves than the majority were willing to hear. Nor was there anything in the proceedings of the meeting tending to dispel these uncomfortable reflections. A judicious reticence, a careful avoidance of any clear-cut statement of policy, a general atmosphere of political ca'canny were the note of the meeting. The semi-official resolution demanded "closer co-operation of all supporters of the Coalition in order to continue the work of reconstruction," a policy, it was added, "which will require the united efforts of all sections of the people for a gener-

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ation." But this demand for the virtual perpetuation of the Coalition had to be withdrawn, and a colourless resolution was substituted calling for a combination of all parties "to combat the evils of Socialism," while at the same time demanding the maintenance in full efficiency of the Unionist organisations in the constituencies. On the other hand a resolution proposed by Sir Arthur Steel-Maitland requesting the Unionist leaders "at once to prepare . . . a scheme of 'Tariff Reform,'" so that it should be in readiness when needed, though declared by the chairman to be carried, was not put to the vote because the show of hands was so equal that the result would obviously have been in doubt. Thus the show of union was only maintained by the careful avoidance of all serious points of difference.

If anything is plain about the existing organisation of parties in the country it is that it is precarious and provisional. Obviously the Prime Minister at least is aware of that. Hence his tentative endeavors towards "fusion." Hence also, since it became speedily apparent that no section of Liberals were prepared to be fused with the Unionist party — in other words, to be absorbed by it, — the resolution, now being increasingly acted upon, to establish separate Liberal Coalitionist organisations in the constituencies. Both processes are deadly and almost necessarily involve a betrayal of Liberalism. It is to be hoped that neither will succeed. The whole business of Coalition rests on the person and the prestige of the Prime Minister, but what prospect does Coalition as a policy intended to last hold out to him? His power, if he is to remain a Liberal, depends on the continued power and vitality of Liberalism. But how can Liberalism remain strong and vital if deprived of an independent life of its own? Liberalism has a distinctive and indestructible standpoint alike in domestic and in foreign policy. It stands for peace. It stands for freedom of trade, not merely as an economic policy, but because, as Cobden always held, it goes far to bind nations together. It is against privilege in all its forms. It cares so much for raising the standard of life among the workers that it refuses to be frightened by any bogey of Socialism such as the Coalition seeks to set up as its sole real bond of union. It is against the militarism and imperialism which dominate the whole mentality of the old "governing class" which still forms so powerful and controlling a force in the Conservatism of to-day. How can Liberalism that is of any value ally itself permanently, let alone "fuse" itself, with elements of thought, tradition, and interest so deeply opposed to its own, and live?

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EXTRACT V. FALL OF THE COALITION ¹

[On October 19, 1922, Unionist members of the House of Commons and Unionist ministers in the House of Lords, meeting at the Carlton Club, decided that, while willing to coöperate with the Coalition Liberals, they would fight the next election independently, with their own leader and their own program. The immediate result of this decision was the withdrawal of Unionists from the Coalition Cabinet, the resignation of Lloyd George, and the formation of a Unionist government under Bonar Law. Mr. Austin Chamberlain, Sir Robert Horne, Lord Balfour, and other members of the ministry opposed the resolution, which was carried by a vote of 187 to 87. "No Conservative and Unionist government need fear factious opposition at our hands," they declared in a statement to the press.² "But we cannot believe that the principles that we hold in common with the majority at to-day's meeting will be promoted by the course they have shown themselves firmly resolved to pursue."

Excerpts from the discussion at the Carlton Club are given below.]

"My friends and I have carefully, repeatedly, anxiously considered this situation and the reports which circulate about it," Mr. Chamberlain continued. "To us it appears that this is not a moment to break with old friends and scatter the forces which can be united in the defence of a cause which is common to us all. I have made inquiries, and unless we can secure the Party co-operation of our present allies it would be impossible for us to obtain an effective working majority and form a strong Government. As I see it, in the next Parliament Coalition of some sort will be necessary to enable the King's Government to be carried on, and the choice before us is: Shall that Coalition be with the men with whom we have already worked in harmony and with success, or shall it be between the Labour Party and the 'We Frees,' on terms and for a policy to which we with our present allies alike stand resolutely opposed? I answer that question without hesitation. There must be co-operation with those with whom we have co-operated so far. No half-hearted co-operation can be useful; it must be loyal and whole-hearted — accepting their help, inviting their help, welcoming their help, recognising that in inviting and accepting it we incur obligations to them. . . .

"Under the circumstances, my friends and I have come to the conclusion that the advice which, on the eve of an election we ought to tender to you, is that we should maintain the closest, most cordial co-operation in the constituencies and throughout the fight and

¹ *Gleanings and Memoranda*, Vol. LIV (1922), pages 488, 489-490, 492-493.

² *Ibid.*, page 504.

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after the fight with the men who have stood by us in the difficult years. We think, we hope, that every Unionist and Conservative, every Liberal Coalitionist, should stand under his own Party name, and should retain his Party loyalty unimpaired. As for the members of the present Government, we must go as a Government, not ashamed of our record, not attempting to shirk our common responsibilities and trying (as none of you have tried, and as no honest man would consent to do) to shirk at the moment of an election any unpopularity that attaches to our cause, the responsibility for any mistakes that we may have made, upon the shoulders of a man who has led us through these troubles, who has acted throughout with a loyalty to us to which my friends will testify as warmly as I do. . . ."

Mr. Stanley Baldwin (President of the Board of Trade) followed. In the course of his speech he said: — "It is my duty at this moment to put before you the views of the minority in the Cabinet; that is, of myself and of Sir Arthur Boscawen. . . . It seems to me, from what Mr. Chamberlain has said, that it is a very easy thing to enter into a Coalition, but that, having entered into it, it must be permanent, because at any moment that you feel you ought to leave that Coalition, you open yourself to charges of having deserted, because you wished to escape the responsibility for the acts of that Coalition. I am quite sure, speaking for myself, I have no desire of that kind. If I stand as an Independent Conservative at the election I shall make it perfectly clear to my constituents that I accept full responsibility for everything up to the moment when I had to separate myself from my colleagues. But, after all, the essence of coalition is voluntary association, and you cannot compel people to coalesce in any particular form, and it seems to me that a fatal mistake was made in agreeing to go to an election without consulting the Party as to whether they were willing or not to continue the arrangement which they entered into in 1918.

"The root of the whole difficulty is the position of the Prime Minister. . . . He is a dynamic force, and it is from that very fact that our troubles, in our opinion, arise. A dynamic force is a very terrible thing; it may crush you, but it is not necessarily right. It is owing to that dynamic force and that remarkable personality that the Liberal Party, to which he formerly belonged, has been smashed to pieces; and it is my firm conviction that in time the same thing will happen to our Party. . . . We have already seen during our association with him in the last four years a section of our Party hopelessly alienated. I think that if the present association is continued and if this meeting agrees that it should be continued, you will see some more breaking up, and I believe the process must go on inevitably until the old Conservative Party is smashed to atoms

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and lost in ruins. I would like to give you just one illustration to show what I mean by the disintegrating influence of a dynamic force. Take Mr. Chamberlain and myself. . . . He is prepared to go into the wilderness if he should be compelled to forsake the Prime Minister, and I prepared to go into the wilderness if I should be compelled to stay with him. If that is the effect of that tremendous personality on two men occupying the position that we do, and related to each other politically in the way that Mr. Chamberlain and I are, that process must go on throughout the Party. . . .”

“Now what is the position?” Mr. Bonar Law proceeded. “We are face to face with this crisis. If Mr. Chamberlain’s view is carried at this meeting, what happens? It is very wrong that the Party should be driven by a minority, but this is certain; that the feeling against the continuance of the Coalition is so strong that our Party will be broken, that a new Party will be formed; and, not the worst of the evils of that is this, that on account of those who have gone, who are supposed to be more moderate men, what is left of the Conservative Party will become more reactionary; and I, for one, say that though what you call the reactionary element in our Party has always been there, and must always be there, if it is the sole element, our Party is lost. Therefore, if you agree with Mr. Chamberlain in this crisis, I will tell you what I think will be the result. It will be a repetition of what happened after Peel passed the Corn Bills. The body that is cast off will slowly become the Conservative Party, but it will take a generation before it gets back to the influence which the Party ought to have. Now, suppose we adopt the other course. I am very unwilling to take a part here, because Mr. Chamberlain has a right to say, though he is too generous to say it, that I left him in the mess and went away. It was not my fault, but I did — and that when I come back the least I ought to do, if I cannot support my leader, is to hold my tongue. I think he would have some right to say that. But I must either do what I am doing or give up. Then, suppose the other course is adopted — that we voted against Mr. Chamberlain’s proposition. I have no right to ask him what he will do, no right whatever, but presumably — and otherwise it is no advantage to Mr. Lloyd George — those who support him will go to the election, not as Unionists, but, in a sort of way, as a new Party. Then, looking at the position entirely from the point of view I have in mind, that we must try to keep this Party as a living vitality, if this meeting decides against the continuance of the Coalition, then I think inevitably — it is, perhaps, an unfair argument, but, at all events, I think it is a fair one — then inevitably the great bulk of our supporters would say they would refuse to leave their organisation, and would continue as members of the Unionist Party. . . .”

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The Earl of Balfour said in the course of his speech: — "Mr. Baldwin explained that the Prime Minister, being a dynamic force, was likely to lead to the destruction of any Party which he joined. . . . That can surely only mean that in the Cabinet Mr. Lloyd George, leading, as he does, the Liberal element in this co-operative Government, is gradually forcing his Conservative colleagues to adopt Liberal principles in preference to their own. I have watched the proceedings of a Cabinet of which I was a member for many years, and I personally have seen no sign of this operation, and nobody has ever suggested such a sign. . . . In no circumstances whatever has the division of opinion, when there has been any division of opinion, been influenced upon Party lines; and if there has been a change of opinion, if there has been a profound modification of views, believe me, the modification of views has taken place on the part of the Prime Minister much more than on the part of his Conservative colleagues. . . . The idea that there are Conservative principles which have been systematically violated by the present Government and which have been violated by the Present Government because it has got a Liberal Prime Minister, is perfectly and historically illusory; it does not represent the facts. I will not make a speech upon Ireland. I should be perfectly ready to do so upon the proper occasion, and this, I think, is really not the proper occasion; but if anybody thinks that I am an unworthy representative of the Unionist views about Ireland, that my career has shown that I am unworthy to touch on that subject — if anybody holds that view he is at liberty to do so. I absolutely repudiate that so far as I am concerned I have been unfaithful to any of the substantial principles that I have advocated to the best of my ability during the best working years of my life. . . .

"I agree with those who say: 'There may not be difficulties between the Liberals and Conservatives at the present time; the old quarrel is over; the new quarrels have not shown themselves; but you will destroy the machinery by which you will be able to deal with those new controversies when the moment arises at which they come forward.' That may be a danger. It is a danger which I think should be watched, and I am in no sense advocating that we should not maintain our Conservative weapons bright, our Conservative organisations strong, or that a man going to a constituency should conceal the fact that he is a Conservative, that he feels his historical ancestry are Conservatives, and that the occasion might arise, though it has not yet arisen, on which those Liberals who are co-operating with him will again find themselves in difficult paths. But why anticipate differences which do not exist? . . . Frankly, I think that would be profoundly unwise.

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"It was, I think, my friend, Mr. Pretymen, who said that he was in favour of co-operation, but it was co-operation, as far as I understood him, of a very special and peculiar kind. Whenever a Conservative candidate felt that he had not any need for Liberal support he was allowed to announce that he did not at all care for the Coalition, but on the other hand, when a Conservative candidate felt it made some difference to him whether his Liberal friends voted for him or not, then he was to announce himself as a Coalition candidate. That really is preposterous. You cannot go into a fight on lines like that. Why cannot those who have got to fight this election say what is plainly the fact, which is this: 'Differences used to divide us; differences may again divide us; differences do not divide us at the present moment. On the contrary, we are agreed upon all those great principles which are being threatened; let us remain not only allies but friends until circumstances arise which make co-operation any longer impossible.' I earnestly suggest that it is the one that we ought to adopt. . . . There is no earthly reason why we should not go to the country in two Parties in the sense that we are either Conservative or Liberal or neither one nor the other, which is the fact. . . ."

EXTRACT VI. WHY THE UNIONISTS WITHDREW ¹

[Sir George (now Lord) Younger, then chairman of the National Unionist Association, was chiefly responsible for the decision which his party took at the Carlton Club (*Extract I*). In the course of a campaign speech he sketched the inner history of the Coalition down to the time of its dissolution.]

The Coalition was first of all created by Mr. Asquith in the first year of the War. Circumstances compelled a reorganisation in the following year, when Mr. Lloyd George became Prime Minister and leader of the Coalition. In those days Coalition between the two Parties, if we were to win the War, was vital to the State. The War was successfully concluded, and we can never forget what we owe to Mr. Lloyd George in that connection. When it came to the General Election of 1918, and it had to be taken as early as possible after the Armistice, it was felt that although the Coalition was not, perhaps, then, the vital necessity it had been in 1915-16, it was a matter of such high expediency that it ought to be continued during the operation of the next Parliament. You will agree with me that the Coalition Government steered us with very considerable success through the years of difficulty of all kinds, and I think we owe them great credit for having done so.

¹ *Gleanings and Memoranda*, Vol. LVI (1922), pages 509-511.

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But bear this in mind: when it was decided in 1918 to continue the Coalition for the duration of Parliament it was perfectly well understood by those who made the arrangement — and I was very closely conversant with it — that it was to end with this Parliament, unless both Parties thought it desirable to continue it.

The standpoint taken by certain people is that it has been disloyalty to Mr. Lloyd George to make the change which has resulted after the Carlton Club meeting some weeks ago. That is entirely a wrong standpoint. There is no question of disloyalty in the matter at all. The agreement has come to an end through the effluxion of time. Each Party had the right and were entitled to say whether or not they desired the Coalition to continue. It has been felt for some time it had done its work and was no longer necessary, and that has been looked forward to certainly by Mr. Lloyd George during the last few years, because repeatedly he said to me, in the presence of Mr. Bonar Law and, I think, Mr. Austen Chamberlain, that he would never forget what he owed to the Conservative Party for the loyalty and support they showed him during the continuance of the Coalition, of which he was the head, and that if when the time came the Party desired to make a change he was willing to accept the situation. Also, that never again would he say anything against the Party which had stood with him when his old political associates had failed him and done everything they could to make difficulties for him. I say that in order to show that the course was perfectly clear for each Party, without any question of disloyalty, to re-consider the political situation when the time came for deciding it, as we have now decided it at the Carlton Club meeting. Doubtless that resolution has come about owing to the growing unpopularity of the Coalition. Although it did a great deal of good work at home, it has singularly failed abroad.

As far back as last December the Central Office informed Mr. Chamberlain of the difficulties that were arising in the constituencies — not so much in the House of Commons as in the constituencies. There was a proposal to have a snap election in February of this year. For reasons I do not intend to go into, as they were published at the time, I felt it my duty in the interest of my Party to strongly protest against that proposal, and the election did not come off. But the dissatisfaction which was then showing itself in the constituencies has been steadily growing. I think you must all realise it. You have seen signs of it in the whole of England and to a certain extent in Wales, but I don't think it has exactly had the same result in Scotland, where the situation is different. The volume of dissatisfaction was made clear to us at head office. This growing dissatisfaction prompted the declaration made by Mr. Chamberlain to the National Unionist

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Council last spring that there would be no second coupon election. He said there would be no coupon at the next election, and that later on each wing of the Coalition would appeal independently to its own supporters, and that, as a matter of fact, there would be a reversion to the policy which for 27 years governed the relationship between Liberal Unionists and the Conservatives. From 1885 to 1912 that relationship subsisted, and it had worked extremely well, and had finally resolved in the actual fusion of the two Parties. But what did that involve? It involved, first of all, that the leadership of the Coalition would be in the hands of a member of the larger group, and that the Cabinet of the Government, if we were in power, would be represented by a proportionate number of members to the strength of each group.

Most of us welcomed that declaration, and I think it was generally considered to be a very good way out of the difficulty that was obviously coming, and that it would meet to a large extent the wishes of most of the Unionist supporters of the Coalition. A little later on, in his speech at Oxford, Mr. Chamberlain rather whittled away the proposal by saying the Government would go on as a Government. I do not know why that was done. I think probably that the late leader of the Coalition did not quite like the other policy, but I may be wrong about that. There have been various meetings between the senior Ministers, Colonel Leslie Wilson, and myself, and they extended over several months. In July we had a meeting, when they were told by me what the position in the constituencies was becoming, and how impossible my task was in endeavouring to keep the Party together, and how it appeared to me they were leading to an inevitable split in the Party, which, in my view, would have been disastrous not only to the Party, but to the nation. That meeting in July was inconclusive, and no decision as to future policy was arrived at, but we were told by the middle of October they would have decided on their future course of action. In September, I think on the 17th, a meeting was held at The Chequers at the Weed-end, at which there were two or three of our Ministers and two or three of Mr. Lloyd George's supporters, to consider the situation, and they there decided that the policy you saw announced by Mr. Chamberlain some time ago at Birmingham was the policy they intended to go to the country upon and impose upon their followers.

I was myself in Scotland when that meeting took place. Mr. Chamberlain reported it to the principal agent, Sir Malcolm Fraser, who reported it to me. I turned up the file which I have at the office to see what I said when I got the news. My letter was a very short one. "I am," I said, "appalled to hear this decision has been taken. It will break our Party in twain if persisted in." That I am satisfied

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and know now it would have done. What was my duty? I am Chairman of the Party organisation. I have given 50 years of my life in advancing the interests of the Conservative Party. I have made many personal sacrifices, and I felt it would be terrible if at the end of that time the instrument which I have loved all my life was to be broken in my hands, and I made up my mind that it should not be if I could help it. Without going into further details, I saw that it was hopeless — although I tried to build every conceivable bridge — to get any change in the policy which these senior members had decided in our Party. I saw this from my knowledge of the constituencies which I get every morning, and I knew the constituencies were dead against this policy. I knew that if a special conference of our Party was called they would show to our Ministers that that was the view of the country. I said to my leader: "If you find it absolutely necessary to have a General Election before the National Union Conference of Nov. 15, you will be tricking the Party out of their rights if you don't have a special conference of these people, and give your reasons for this policy before you plunge into disaster." For I knew perfectly well that you cannot hope with that policy to get a majority, and I also knew that the Party would be smashed to atoms, as the Liberal Party were in 1918, and it would be years before we could reconstitute it.

So I made up my mind that if there was going to be a split it should split from the top, and not from the bottom, and that the leaders who were responsible for pushing such a disastrous policy were the men to go, and not the tail. We have to maintain the solidarity of the Party. I consider nothing the result of an election in comparison with the vital necessity of maintaining our Party intact. To lose an election is a temporary thing; to smash a Party is an appalling disaster. I would remind you that our great Party is the only great political Party which stands between the constitution of this country and those who believe in subversive policies. . . .

EXTRACT VII. LABOR AND THE NEW SOCIAL ORDER

[The Labor party, in its original form, differed from the other parties, in the fact that it admitted no individual members; it was simply a federation of trade unions and socialist societies. Early in 1918, however, a new constitution enlarged the basis of the party by permitting the enrollment, in electoral districts, of members who subscribed to the constitution and program and who were to be represented in the annual conferences. The constitution also defined the ultimate aim of the party: "To secure for the producers by hand or by brain the full fruits of their industry, and the most equitable distribution thereof that may be possible, upon the basis of the

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common ownership of the means of production and the best obtainable system of popular administration and control of each industry or service. Generally to promote the political, social, and economic emancipation of the people, and more particularly of those who depend directly upon their own exertions by hand or by brain for the means of life." The aim, then, is frankly socialistic; but the proletariat has been redefined so as to include the intellectuals.

In the same year the following program was adopted. It was written by Sidney Webb, who, in 1922, became chairman of the party organization and a member of the House of Commons, and who in January, 1924, entered the Labor Cabinet as President of the Board of Trade.]

It behooves the Labour Party, in formulating its own programme for Reconstruction after the war, and in criticising the various preparations and plans that are being made by the present Government, to look at the problem as a whole. We have to make clear what it is that we wish to construct. It is important to emphasise the fact that, whatever may be the case with regard to other political parties, our detailed practical proposals proceed from definitely held principles.

The End of a Civilisation

We need to beware of patchwork. The view of the Labour Party is that what has to be reconstructed after the war is not this or that Government Department, or this or that piece of social machinery; but, so far as Britain is concerned, society itself. . . .

What this war is consuming is not merely the security, the homes, the livelihood and the lives of millions of innocent families, and an enormous proportion of all the accumulated wealth of the world, but also the very basis of the peculiar social order in which it has arisen. The individualist system of capitalist production, based on the private ownership and competitive administration of land and capital, which has in the past couple of centuries become the dominant form, with its reckless "profiteering" and wage-slavery; with its glorification of the unhampered struggle for the means of life and its hypocritical pretence of the "survival of the fittest"; with the monstrous inequality of circumstances which it produces and the degradation and brutalisation, both moral and spiritual, resulting therefrom, may, we hope, indeed have received a death-blow. With it must go the political system and ideas in which it naturally found expression. We of the Labour Party, whether in opposition or in due time called upon to form an Administration, will certainly lend no hand to its revival. On the contrary, we shall do our utmost to see that it is buried with the millions whom it has done to death. . . .

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Pillars of the House

. . . The Four Pillars of the House that we propose to erect, resting upon the common foundation of the Democratic control of society in all its activities, may be termed, respectively:

- (a) The Universal Enforcement of the National Minimum;
- (b) The Democratic Control of Industry;
- (c) The Revolution in National Finance; and
- (d) The Surplus Wealth for the Common Good.

The various detailed proposals of the Labour Party, herein briefly summarised, rest on these four pillars, and can best be appreciated in connection with them.

The Universal Enforcement of a National Minimum

The first principle of the Labour Party — in significant contrast with those of the Capitalist System, whether expressed by the Liberal or by the Conservative Party — is the securing to every member of the community, in good times and bad alike (and not only to the strong and able, the well-born or the fortunate), all the requisites of healthy life and worthy citizenship. This is in no sense a "class" proposal. Such an amount of social protection of the individual, however poor and lowly, from birth to death, is, as the economist now knows, as indispensable to fruitful co-operation as it is to successful combination; and it affords the only complete safeguard against that insidious Degradation of the Standard of Life, which is the worst economic and social calamity to which any community can be subjected. We are members one of another. No man liveth to himself alone. If any, even the humblest, is made to suffer, the whole community and every one of us, whether or not we recognise the fact, is thereby injured. Generation after generation this has been the corner-stone of the faith of Labour. It will be the guiding principle of any Labour Government.

The Legislative Regulation of Employment

Thus it is that the Labour Party to-day stands for the universal application of the Policy of the National Minimum, to which (as embodied in the successive elaborations of the Factory, Mines, Railways, Shops, Merchant Shipping, Trade Boards, and Truck Acts, the Public Health, Housing, and Education Acts, and the Minimum Wage Acts) the spokesmen of Labour have already gained the support of the enlightened statesmen and economists of the world. All these laws purporting to prevent any Degradation of the Standard of Life need considerable improvement and extension before they can

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fulfil their purpose of securing to every worker, by hand or by brain, at least the prescribed Minimum of Health, Education, Leisure, and Subsistence, whilst their administration leaves much to be desired. . . . And, in view of the fact that many millions of wage-earners, notably women and the less skilled workmen in various occupations, are unable by combination to obtain wages adequate for decent maintenance in health, the Labour Party intends to see to it that the Trade Boards Act is suitably amended and made to apply at once to all industrial employments in which any considerable number of those employed obtain less than 30s. per week. The legal minimum (which will need revision according to the level of prices, and which ought to be the very lowest statutory base line for the least skilled adult workers, men or women, in any occupation, in all parts of the United Kingdom) must be not less than enough to provide all the requirements of a full development of body, mind, and character, from which the nation has no right to exclude any class or section whatsoever.

The Labour Party recognises, moreover, that the changes in the position of women during the war, in which they have rendered such good service, and the importance of securing to women as to men the fullest possible opportunity for individual development, make it necessary to pay special attention in the Reconstruction Programme to matters affecting women; and, in particular, to secure their complete emancipation; to see that they have all franchises and be made eligible for all elective posts, on the same terms as men; to remove all legal restrictions on their entry into the professions; to make systematic provision for their inclusion in all committees and commissions on all matters not of exclusively masculine interest; to adopt the principle of Equal Pay for Equal Work wherever both sexes are employed; to urge trade unions to admit women to membership in all trades in which they have actually secured employment, and to insist, in such cases, that the women shall receive the trade union rates; to obtain full inquiry, as to all occupations previously held to be unhealthy or unsuitable for women, about the conditions under which the work is done, in order to obtain such improvement of the conditions as will remove the objection or protect the workers from harm; and to demand the immediate repeal of the provision of the income tax law by which the married woman is not treated as an independent human being, even in respect of her own property and earnings. . . .

But nothing is more dangerous to the Standard of Life, or so destructive of those minimum conditions of healthy existence, which must in the interests of the community be assured to every worker, than any widespread or continued unemployment. It has always been a fundamental principle of the Labour Party (a point on which,

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singularly enough, it has not been followed by either of the other political parties) that, in a modern industrial community, it is one of the foremost obligations of the Government to find, for every willing worker, whether by hand or by brain, productive work at Standard Rates.

It is accordingly the duty of the Government to adopt a policy of deliberately and systematically preventing the occurrence of unemployment, instead of (as heretofore) letting unemployment occur, and then seeking, vainly and expensively, to relieve the unemployed. It is now known that the Government can, if it chooses, arrange the public works and the orders of the National Departments and Local Authorities in such a way as to maintain the aggregate demand for labour in the whole kingdom (including that of capitalist employers) approximately at a uniform level from year to year; and it is therefore a primary obligation of the Government to prevent any considerable or widespread fluctuations in the total numbers employed in times of good or bad trade. But this is not all. In order to prepare for the possibility of there being any unemployment, either in the course of demobilisation or in the first years of peace, it is essential that the Government should make all necessary preparations for putting instantly in hand, directly or through the Local Authorities, such urgently needed public works as [the comprehensive list is here omitted]. Moreover, in order to relieve any pressure of an overstocked labour market, the opportunity should be taken, if unemployment should threaten to become widespread, (a) immediately to raise the school-leaving age to sixteen; (b) greatly to increase the number of scholarships and bursaries for Secondary and Higher Education; and (c) substantially to shorten the hours of labour of all young persons, even to a greater extent than the seven or eight hours per week contemplated in the new Education Act, in order to enable them to attend technical and other classes in the daytime. Finally, wherever practicable, the hours of adult labour should be reduced to not more than forty-eight per week, without reduction of the Standard Rates of Wages. There can be no economic or other justification for keeping any man or woman to work for long hours, or at overtime, whilst others are unemployed.

Social Insurance against Unemployment

In so far as the Government fails to prevent Unemployment — whenever it finds it impossible to discover for any willing worker, man or woman, a suitable situation at the Standard Rate — the Labour Party holds that the Government must, in the interest of the community as a whole, provide him or her with adequate maintenance,

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either with such arrangements for honourable employment or with such useful training as may be found practicable, according to age, health and previous occupation. . . . In one way or another remunerative employment or honourable maintenance must be found for every willing worker, by hand or brain, in bad times as well as in good. It is clear that, in the twentieth century, there must be no question of driving the Unemployed to anything so obsolete and discredited as either private charity, with its haphazard and ill-considered doles, or the Poor Law, with the futilities and barbarities of its "Stone Yard," or its "Able-bodied Test Workhouse." Only on the basis of a universal application of the Policy of the National Minimum, affording complete security against involuntary destitution, in sickness and health, in good times and bad alike, to every member of the community, can any worthy order be built up.

The Democratic Control of Industry

The universal application of the Policy of the National Minimum is, of course, only the first of the Pillars of the House that the Labour Party intends to see built. What marks off this Party most distinctively from any of the other political parties is its demand for the full and genuine adoption of the principle of Democracy. The first condition of Democracy is effective personal freedom. . . . But individual freedom is of little use without complete political rights. The Labour Party sees its repeated demands largely conceded in the Present Representation of the People Act, but not yet wholly satisfied. . . . The Party stands, as heretofore, for complete Adult Suffrage, with not more than a three months' residential qualification, for effective provision for absent electors to vote, for absolutely equal rights for both sexes, for the same freedom to exercise civic rights for the soldier and sailor as for the man in civil employment and the same liberty to become a candidate for Parliament for the Civil Servant as for the officer, for the best practicable arrangements for ensuring that every minority has its proportionate, and no more than its proportionate, representation, for Shorter Parliaments, for the complete Abolition of the House of Lords, and for a most strenuous opposition to any machinery for revision of legislation taking the form of a new Second Chamber, whether elected or not, having in it any element of Heredity or Privilege, or of the control of the House of Commons by any Party or Class. . . . Moreover, there must be Devolution in Great Britain. The Labour Party regards as extremely grave the proved incapacity of the War Cabinet and the House of Commons to get through even the most urgently needed work; some early devolution from Westminster of both legislation

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and administration is required; it suggests that, along with the grant of Home Rule to Ireland, there should be constituted separate statutory legislative assemblies for Scotland, Wales, and even England, with autonomous administration in matters of local concern; and that the Parliament at Westminster should be retained in the form of a Federal Assembly for the United Kingdom, controlling the Ministers responsible for the Departments of the Central Government, who would form also, together with Ministers representing the Dominions and India, whenever these can be brought in, the Cabinet for Commonwealth affairs for the Britannic Commonwealth as a whole. But unlike the Conservative and Liberal Parties, the Labour Party insists on Democracy in industry as well as in government. It demands the progressive elimination from the control of industry of the private capitalist, individual or joint-stock; and the setting free of all who work, whether by hand or by brain, for the service of the community, and of the community only. And the Labour Party refuses absolutely to believe that the British People will permanently tolerate any reconstruction or perpetuation of the disorganisation, waste and inefficiency involved in the abandonment of British industry to a jostling crowd of separate private employers, with their minds bent, not on the service of the community, but — by the very law of their being — only on the utmost possible profiteering. What the nation needs is undoubtedly a great bound onward in its aggregate productivity. But this cannot be secured merely by pressing the manual workers to more strenuous toil, or even by encouraging the “captains of industry” to a less wasteful organisation of their several enterprises on a profit-making basis. What the Labour Party looks to is a genuinely scientific reorganisation of the nation’s industry, no longer deflected by individual profiteering, on the basis of the Common Ownership of the Means of Production; the equitable sharing of the proceeds among all who participate in any capacity and only among these; and the adoption, in particular services and occupations, of those systems and methods of administration and control that may be found, in practice, best to promote, not profiteering, but the public interest.

Immediate Nationalisation

The Labour Party stands not merely for the principle of the Common Ownership of the nation’s land, to be applied as suitable opportunities occur, but also, specifically, for the immediate Nationalisation of Railways, Mines, and the production of Electrical Power. We hold that the very foundation of any successful reorganisation of British Industry must necessarily be found in the provision of the utmost facilities for transport and communication, the production of

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power at the cheapest possible rate and the most economical supply of both electrical energy and coal to every corner of the kingdom. Hence the Labour Party stands, unhesitatingly, for the National Ownership and Administration of the Railways and Canals, and their union, along with Harbours and Roads, and the Posts and Telegraphs — not to say also the great lines of steamers which could at once be owned, if not immediately directly managed in detail, by the Government — in a united national service of Communication and Transport; to be worked, unhampered by capitalist, private or purely local interests (and with a steadily increasing participation of the organised workers in the management, both central and local), exclusively for the common good. . . .

In the production of Electricity, for cheap Power, Light, and Heating, this country has so far failed, because of hampering private interests, to take advantage of science. Even in the largest cities we still “peddle” our Electricity on a contemptibly small scale. What is called for, immediately after the war, is the erection of a score of gigantic “super-power stations,” which could generate, at incredibly cheap rates, enough Electricity for the use of every industrial establishment and every private household in Great Britain; the present municipal and joint-stock electrical plants being universally linked up and used for local distribution. This is inevitably the future of Electricity. . . . The Labour Party demands that the production of Electricity on the necessary gigantic scale shall be made from the start (with suitable arrangements for municipal coöperation in local distribution) a national enterprise, to be worked exclusively with the object of supplying the whole kingdom with the cheapest possible Power, Light, and Heat.

But with Railways and the generation of Electricity in the hands of the public, it would be criminal folly to leave to the present 1,500 colliery companies the power of “holding up” the coal supply. These are now all working under public control, on terms that virtually afford to their shareholders a statutory guarantee of their swollen incomes. The Labour Party demands the immediate Nationalisation of Mines, the extraction of coal and iron being worked as a public service (with a steadily increasing participation in the management, both central and local, of the various grades of persons employed); and the whole business of the retail distribution of household coal being undertaken, as a local public service, by the elected municipal or County Councils. And there is not any reason why coal should fluctuate in price any more than railway fares, or why the consumer should be made to pay more in winter than in summer, or in one town than another. What the Labour Party would aim at is, for household coal of standard quality, a fixed and uniform price for the whole

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kingdom, payable by rich and poor alike, as unalterable as the penny postage-stamp.

But the sphere of immediate Nationalisation is not restricted to these great industries. We shall never succeed in putting the gigantic system of Health Insurance on a proper footing, or secure a clear field for the beneficent work of the Friendly Societies, . . . until the nation expropriates the profit-making Industrial Insurance Companies, which now so tyrannously exploit the people with their wasteful house-to-house Industrial Life Assurance. . . .

Local Government

The Labour Party is alive to the evils of centralisation and the drawbacks of bureaucracy. To counteract these disadvantages it intends that the fullest possible scope shall be given, in all branches of social reconstruction, to the democratically elected local governing bodies. It holds that whilst the central Government Departments should assist with information and grants in aid, the local authorities should be given a free hand to develop their own services, over and above the prescribed national minimum, in whatever way they choose; that they should be empowered to obtain capital from the Government at cost price, and to acquire land cheaply and expeditiously, for any of the functions with which they are entrusted. The Labour Party holds, moreover, that the municipalities and County Councils should not confine themselves to the necessarily costly services of education, sanitation, and police, and the functions to be taken over from the Boards of Guardians, nor yet rest content with acquiring control of the local water, gas, electricity, and tramways, but that they should greatly extend their enterprises in housing and town planning, parks, and public libraries, the provision of music and the organisation of popular recreation, and also that they should be empowered to undertake, not only the retailing of coal, but also other services of common utility, particularly the local supply of milk, where this is not already fully and satisfactorily organised by a coöperative society. . . .

By far the most important function of the Local Authorities is the administration of Education. The first step to social reconstruction must be a genuine nationalisation of education, which shall get rid of all class distinctions and privileges, and bring effectively within the reach, not only of every boy and girl, but also of every adult citizen, all the training, physical, mental and moral, literary, technical, and artistic of which he is capable. . . .

The Labour Party accordingly asks for a systematic reorganisation of the whole educational system, from the nursery school to the University, on the basis of (a) social equality, (b) the provision for each

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age, for child, youth, and adult, of the best and most varied education of which it is capable, with whatever provision by way of maintenance is needed to enable the students to obtain full advantage of the instruction provided; (c) the educational institutions, irrespective of social class or wealth, to be planned, equipped, and staffed according to their several functions, up to the same high level for elementary, secondary, or University teaching, with regard solely to the greatest possible educational efficiency, but without any military training; and (d) the recognition of the teaching profession, without distinction of grade, as one of the most valuable to the community.

But, considering that the shortage of habitable cottages in the United Kingdom now exceeds one million, and that the Rent and Mortgages Restriction Act is due to expire six months after peace, the Labour Party cannot but regard a national campaign of cottage building at the public expense, in town and country alike, as the most urgent of the duties of the Local Authorities. . . .

Only on the basis of decent housing of the whole population can any real reform of Public Health be effective. The Labour Party regards the immediate reorganisation, in town and country alike, of the public provision for the prevention and treatment of disease, and the care of the orphans, the infirm, the incapacitated, and the aged needing institutional care, as an indispensable part of any sound social reconstruction; it calls for the prompt abolishing, not merely of the Boards of Guardians, but also the hated Workhouse and the Poor Law itself, and the merging of the work heretofore done for the destitute as paupers, in that performed by the directly elected County, Borough, and District Councils for the citizens as such, without either the stigma of pauperism or the hampering limitations of the Poor Law system; it feels that only in connection with such a reorganisation of the Local Health Services — urgently required to meet the dangers attendant on demobilisation — can a Ministry of Health be of effective advantage to the nation.

Agriculture and Rural Life

In no part of the present social order has there been a greater failure than in agriculture and rural life. The Labour Party regards the present arrangements for the production and distribution of food in this country, and the life to which many thousands of country dwellers are condemned, as nothing short of a national disgrace, and as needing to be radically altered without delay. What is essential is that the Government should resume control of the nation's agricultural land, and ensure its utilisation not for rent, not for game, not for the social amenity of a small social class, not even for obtaining the largest percentage on the capital employed, but solely with a

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view to the production of the largest proportion of the foodstuffs required by the population of these islands under conditions allowing of a good life to the rural population, with complete security for the farmer's enterprise, yet not requiring the consumer to pay a price exceeding that for which foodstuffs can be brought from other lands. . . .

Control of Capitalist Industry

Meanwhile, however, we ought not to throw away the valuable experience now gained by the Government in its assumption of the importation of wheat, wool, metals, and other commodities, and in its control of the shipping, woollen, leather, clothing, boot and shoe, milling, baking, butchering, and other industries. The Labour Party holds that, whatever may have been the shortcomings of this Government importation and control, it has demonstrably prevented a lot of "Profiteering." Nor can it end immediately on the Declaration of Peace. The People will be extremely foolish if they ever allow their indispensable industries to slip back into the unfettered control of private capitalists, who are, actually at the instance of the Government itself, now rapidly combining, trade by trade, into monopolist Trusts, which may presently become as ruthless in their extortion as the worst American examples. . . .

A Revolution in National Finances

In taxation, also, the interests of the professional and house-keeping classes are at one with those of the manual workers. Too long has our National Finance been regulated, contrary to the teaching of Political Economy, according to the wishes of the possessing classes and the profits of the financiers. . . .

The Labour Party stands for such a system of taxation as will yield all the necessary revenue to the Government without encroaching on the prescribed National Standard of Life of any family whatsoever; without hampering production or discouraging any useful personal effort, and with the nearest possible approximation to equality of sacrifice. We definitely repudiate all proposals for a Protective Tariff, in whatever specious guise they may be cloaked, as a device for burdening the consumer with unnecessarily enhanced prices, to the profit of the capitalist employer or landed proprietor, who avowedly expects his profit or rent thereby. We shall strenuously oppose any taxation, of whatever kind, which would increase the price of food or of any other necessary of life. . . .

For the raising of the greater part of the revenue now required the Labour Party looks to the direct taxation of the incomes above the necessary cost of family maintenance; and for the requisite effort

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to pay off the National Debt, to the direct taxation of private fortunes both during life and at death. . . . But all this will not suffice. It will be imperative at the earliest possible moment to free the nation from at any rate the greater part of its new load of interest-bearing debt for loans which ought to have been levied as taxation; and the Labour Party stands for what is called the "Conscription of Wealth" — that is to say, for a special capital levy to pay off, if not the whole, a very substantial part of the entire National Debt — a Capital Levy chargeable like the Death Duties on all property, but (in order to secure approximate equality of sacrifice) with exemption of the smallest savings (say, up to £1,000), and for the rest at rates very steeply graduated, so as to take only a small contribution from the little people and a very much larger percentage from the millionaires. . . .

The Surplus for the Common Good

In the disposal of the surplus above the Standard of Life society has hitherto gone as far wrong as in its neglect to secure the necessary basis of any genuine industrial efficiency or decent social order. We have allowed the riches of our mines, the rental value of the lands superior to the margin of cultivation, the extra profits of the fortunate capitalists, even the material outcome of scientific discoveries — which ought by now to have made this Britain of ours immune from class poverty or from any widespread destitution — to be absorbed by individual proprietors; and then devoted very largely to the senseless luxury of an idle rich class. Against this misappropriation of the wealth of the community, the Labour Party — speaking in the interests not of the wage-earners alone, but of every grade and section of producers by hand or by brain, not to mention also those of the generations that are to succeed us, and of the permanent welfare of the community — emphatically protests. One main Pillar of the House that the Labour Party intends to build is the future appropriation of the Surplus, not to the enlargement of any individual fortune, but to the Common Good. It is from this constantly arising Surplus (to be secured, on the one hand, by Nationalisation and Municipalisation and, on the other, by the steeply graduated Taxation of Private Income and Riches) that will have to be found the new capital which the community day by day needs for the perpetual improvement and increase of its various enterprises, for which we shall decline to be dependent on the usury-exacting financiers. It is from the same source that has to be defrayed the public provision for the Sick and Infirm of all kinds (including that for Maternity and Infancy) which is still so scandalously insufficient; for the Aged and those prematurely incapacitated by accident or disease, now in many ways

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so imperfectly cared for; for the education alike of children, of adolescents and of adults, in which the Labour Party demands a genuine equality of opportunity, overcoming all differences of material circumstances; and for the organisation of public improvements of all kinds, including the brightening of the lives of those now condemned to almost ceaseless toil, and a great development of the means of recreation. From the same source must come the greatly increased public provision that the Labour Party will insist on being made for scientific investigation and original research, in every branch of knowledge, not to say also for the promotion of music, literature, and fine art, which have been under Capitalism so greatly neglected, and upon which, so the Labour Party holds, any real development of civilisation fundamentally depends. Society, like the individual, does not live by bread alone — does not exist only for perpetual wealth production. It is in the proposal for this appropriation of every Surplus for the Common Good — in the vision of its resolute use for the building up of the community as a whole instead of for the magnification of individual fortunes — that the Labour Party, as the Party of the Producers by hand or by brain, most distinctively marks itself off from the older political parties, standing, as these do, essentially for the maintenance, unimpaired, of the perpetual private mortgage upon the annual product of the nation that is involved in the individual ownership of land and capital.

More Light — But also More Warmth!

The Labour Party is far from assuming that it possesses a key to open all locks; or that any policy which it can formulate will solve all the problems that beset us. But we deem it important to ourselves as well as to those who may, on the one hand, wish to join the Party, or, on the other, to take up arms against it, to make quite clear and definite our aim and purpose. The Labour Party wants that aim and purpose, as set forth in the preceding pages, with all its might. It calls for more warmth in politics, for much less apathetic acquiescence in the miseries that exist, for none of the cynicism that saps the life of leisure. On the other hand, the Labour Party has no belief in any of the problems of the world being solved by Good Will alone. Good Will without knowledge is Warmth without Light. Especially in all the complexities of politics, in the still undeveloped Science of Society, the Labour Party stands for increased study, for the scientific investigation of each succeeding problem, for the deliberate organisation of research, and for a much more rapid dissemination among the whole people of all the science that exists. And it is perhaps specially the Labour Party that has the duty of placing this Advancement of Science in the forefront of its political programme.

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What the Labour Party stands for in all fields of life, is, essentially, democratic cooperation; and cooperation involves a common purpose which can be agreed to; a common plan which can be explained and discussed, and such a measure of success in the adaptation of means to ends as will ensure a common satisfaction. An autocratic Sultan may govern without science if his whim is law. A Plutocratic Party may choose to ignore science, if it is heedless whether its pretended solutions of social problems that may win political triumphs ultimately succeed or fail. But no Labour Party can hope to maintain its position unless its proposals are, in fact, the outcome of the best Political Science of its time; or to fulfil its purpose unless that science is continually wresting new fields from human ignorance. Hence, although the Purpose of the Labour Party must, by the law of its being, remain for all time unchanged, its Policy and its Programme will, we hope, undergo a perpetual development, as knowledge grows, and as new phases of the social problem present themselves in a continually finer adjustment of our measures to our ends. If Law is the Mother of Freedom, Science, to the Labour Party, must be the Parent of Law.

EXTRACT VIII. THE FUTURE OF LIBERALISM¹

[Tradition, in England as in America, runs strongly in favor of the two-party system. Apparently Liberals will find their rôle a difficult one to maintain; for Unionism on the one side and Labor on the other will exert a powerful attraction upon a somewhat confused and discordant party. The following observations are from the pen of an eminent journalist, until recently editor of a Liberal magazine, the *London Nation*.]

The great material loss which modern Liberalism has sustained is, therefore, the sign of its spiritual disabilities. That is the falling away of the organised workmen. When the miners, following the other great associations of manual workers, left the Liberal Party, they carried with them its fortune, for their desertion meant that in future Liberalism must in personnel, and therefore in inspiration, become an exclusively Middle Class Party. As such it may have a future. But, essentially, that future lies in the permeation of the Conservative Party. And even such a rôle is limited. Conservatism is not unawake; it possesses, on the whole, a livelier, younger intelligence than its old Liberal rival, whose political career ended, so far as great achievement was concerned, with the curtailment of the veto of the Lords. Now that the old Liberal songs are sung, social reform may just as well be a Conservative policy as a Liberal one; for no distinc-

¹ *Spectator*, June 30, 1923.

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tion of principle divides these two combinations, and liberal-minded men are, so far as I can see, as plentiful among Shaftesbury's party as among Bright's. The danger is not that they will outbid each other in the race for social reform, but that they will combine against Labour. The Tory-Liberal Coalition was revived at Morpeth; and the "battle of cousins" at Tiverton was little more than a battle of flowers.

My conclusion, therefore, is that, having lost its old place as one of the two great mass-forces in British politics, the career of the old or the existing Liberalism on the grand scale of party life is at an end.

EXTRACT IX. PARTY ISSUES: ELECTION OF DECEMBER 6, 1923¹

I. Unionist Policy: The Prime Minister's Election Address

Ladies and gentlemen, in submitting myself to you for reëlection, I propose frankly to put before you the present situation as I see it, and the measures which, in the opinion of myself and my colleagues, are necessary adequately to deal with it.

1. The unemployment and under-employment which our working people and our great national industries are now facing for the fourth winter in succession, on a scale unparalleled in our history, have created a problem which calls urgently for a solution. Their indefinite continuance threatens to impair permanently the trained skill and independent spirit of our workers, to disorganise the whole fabric of industry and credit, and, by eating away sources of revenue, to undermine the very foundations of our national and municipal life.

2. In large measure this state of affairs is due to the political and economic disorganisation of Europe, consequent on the Great War. In accordance with the policy affirmed by the Imperial Conference, we shall continue to devote every effort, through the League of Nations and by every other practicable means, to the restoration of a true peace in Europe, but that at the best must take time. A year ago Mr. Bonar Law could still hope that a more settled condition of affairs was in prospect, and that with it trade might enjoy a substantial and steady revival, even in the absence of any modification of the fiscal policy, of the ultimate necessity of which he himself was always convinced.

3. Since the occupation of the Ruhr it has become evident that we are confronted by a situation which, even if it does not become worse, is not likely to be normal for years to come. The disorganisation and poverty of Europe, accompanied by broken exchanges and by higher tariffs all the world over, have, directly and indi-

¹ *Liberal Magazine*, Vol. XXXI (1923), pages 711-721.

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rectly, narrowed the whole field of our foreign trade in our own home market.

The bounty given to the importation of foreign goods by depreciated currencies, and by the reduced standard of living in many European countries, has exposed us to a competition which is essentially unfair and is paralysing enterprise and initiative.

4. It is under such conditions that we have to find work for a population which, largely owing to the cessation during the war period of the normal flow of migration to the Dominions, has in the last census period increased by over a million and three-quarter souls. No Government with any sense of responsibility could continue to sit with tied hands watching the unequal struggle of our industries, or content itself with palliatives which, valuable as they are to mitigate the hardship to individuals, must inevitably add to the burden of rates and taxes, and thereby still further weaken our whole economic structure.

Drastic measures have become necessary for dealing with present conditions as long as they continue. The present Government hold themselves pledged by Mr. Bonar Law not to make any fundamental change in the fiscal system of the country without consulting the electorate. Convinced, as I am, that only by such a change can a remedy be found, and that no partial measures, such as the extension of the Safeguarding of Industries Act, can meet the situation, I am in honour bound to ask the people to release us from this pledge without further prejudicing the situation by any delay.

5. That is the reason, and the only reason, which has made this election necessary.

6. What we propose to do for the assistance of employment in industry, if the nation approves, is to impose duties on imported manufactured goods, with the following objects:

(a) To raise revenue by methods less unfair to our own home production, which at present bears the whole burden of local and national taxation, including the cost of relieving unemployment.

(b) To give special assistance to industries which are suffering under unfair foreign competition.

(c) To utilise these duties in order to negotiate for a reduction of foreign tariffs in those directions which would most benefit our export trade.

(d) To give substantial preference to the Empire on the whole range of our duties with a view to promoting the continued extension of the principle of mutual preference which has already done so much for the expansion of our trade, and the development, in co-operation with the other Governments of the Empire, of the boundless resources of our common heritage.

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7. Such a policy will defend our industries during the present emergency, and will enable us, as more normal conditions return, to work effectively to secure a greater measure of real Free Trade both within the Empire and with foreign countries. Trade which is subject to the arbitrary interference of every foreign tariff, and at the mercy of every disturbance arising from the distractions of Europe, is in no sense free, and is certainly not fair to our people.

8. It is not our intention, in any circumstances, to impose any duties on wheat, flour, oats, meat (including bacon and ham), cheese, butter, or eggs.

9. While assisting the manufacturing industries of the country we propose also to give a direct measure of support to agriculture. Agriculture is not only, in itself, the greatest and most important of our national industries, but is of especial value as supplying the most stable and essentially complementary home market for our manufactures.

10. We propose to afford this assistance by a bounty of £1 an acre on all holdings of arable land exceeding one acre. The main object of that bounty is to maintain employment on the land, and so keep up the wages of agricultural labour. In order to make sure of this we shall decline to pay the bounty to any employer who pays less than 30s. a week to an able-bodied labourer.

11. The exclusion from any import duties of the essential food-stuffs which I have mentioned, as well as of raw materials, undoubtedly imposes certain limitation upon the fullest extension of Imperial Preference. But even the preferences agreed to at the recent Economic Conference within our existing fiscal system, have been acknowledged as of the greatest value by the Dominion representatives, and our present proposals will offer a much wider field, the value of which will be progressively enhanced by the increasing range and variety of Empire production.

12. Moreover, in the field of Empire development, as well as in that of home agriculture, we are not confined to the assistance furnished by duties. We have already given an earnest of our desire to promote a better distribution of the population of the Empire through the Empire Settlement Act, and at the Economic Conference we have undertaken to co-operate effectively with the Government of any part of the Empire in schemes of economic development. More especially do we intend to devote our attention to the development of cotton growing within the Empire, in order to keep down the cost of a raw material essential to our greatest exporting industry.

13. These measures constitute a single comprehensive and interdependent policy. Without additional revenue we cannot assist agriculture at home, but the income derived from the tariff will pro-

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vide for this and leave us with means which can be devoted to cotton growing and other development in the Empire, and to the reduction of the duties on tea and sugar which fall so directly upon the working-class household.

14. For the present emergency, and pending the introduction of our more extended proposals, we are making, and shall continue to make, every effort to increase the volume of work for our people. The Government are spending very large sums on every measure of emergency relief that can help in this direction. Further, the local authorities of all kinds throughout the country and great individual enterprises such as the railways, with the assistance of the Government or on its invitation, are co-operating wholeheartedly in the national endeavour to increase the volume of employment. This great combined effort of the Government, of the local authorities, and of individual enterprises represents an expenditure of no less than 100 millions sterling.

15. The position of shipbuilding, one of the hardest hit of all our industries, is peculiar. It can only recover as shipping revives with the development of Empire and foreign trade, which we believe will follow from our measures. We propose in the meantime to give it special assistance by accelerating the programme of light cruiser construction, which will, in any case, become necessary in the near future. We are informed by our naval advisers that some seventeen light cruisers will be required during the next few years in replacement of the County class, as well as a variety of smaller and auxiliary craft, and we intend that a substantial proportion of these shall be laid down as soon as the designs are ready and Parliamentary sanctions secured.

16. The solution of the unemployment problem is the key to every necessary social reform. But I should like to repeat my conviction that we should aim at the reorganisation of our various schemes of insurance against old age, ill-health, and unemployment. More particularly should we devote our attention to investigating the possibilities of getting rid of the inconsistencies and the discouragement of thrift at present associated with the working of the Old Age Pensions Act. The encouragement of thrift and independence must be the underlying principle of all our social reforms.

II. The Manifesto of the Liberal Party

[This was issued jointly by H. H. Asquith, leader of the reunited party, and David Lloyd George. Two days later the executive committee of the National Liberal Federation adopted the following resolution:

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"That this Executive Committee of the National Liberal Federation warmly welcomes the reunion of the Liberal Party, and rejoices in the knowledge that at the forthcoming Election the whole force and resources of the Party will be united on one common platform animated by the single desire to restore to Liberalism and to its organisation the authority and strength necessary if it is to resume its rightful place in the Councils of the Nation."]

The Government, elected twelve months ago on a programme of five years of tranquillity, has suddenly decided to plunge the country into the turmoil of a General Election, on the allegation — unproved and unprovable — that Tariffs are a cure for unemployment. The Prime Minister has deliberately chosen the earliest possible date for the Polls in order to avoid informing the House of Commons, and through the House of Commons, the country, as to the reasons and the scope of his proposals. Tory Ministers profess that they are driven to this precipitate action by a sudden inspiration concerning unemployment, and hope to stampede the country by reviving the musty war-cry that Tariff Reform means work for all.

There is one explanation, and one only, for the course which the Government have pursued. It is that in a single year their conduct of foreign policy in great matters essential to our livelihood has signally and disastrously failed. By their own declarations, repeatedly made, the first condition of our recovery is the restoration, not merely of the home market, but of world trade. By their own declarations in Despatches, addressed to our Allies, the growing collapse produced by French policy in Germany, and the reaction of that policy upon trade and credit throughout Europe, are the main cause of the distress in which our trade is plunged. For at least a century past, no greater economic, political or moral question has confronted Europe than the French and Belgian occupation of the heart of German industry in the Ruhr. In no great European question, for at least a century past, has it ever been doubtful where Britain stood. Yet for a whole year neither our Allies, nor Neutral Powers, nor our late enemies, have known whether in this crucial issue Britain had a voice or mind or conscience of her own.

In January the Government refused to associate the country with the occupation of the Ruhr; but for months they half condoned it and waited on results. Only when its failure was becoming manifest did they declare their view, held apparently since January, that the invasion was a breach of the Treaty of Versailles. In December of last year, the American Secretary of State, Mr. Hughes, offered American co-operation in an impartial investigation of Germany's capacity to make reparation for damage done in the war. The British

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Government took no steps for nine whole months to urge acceptance of this offer upon our Allies. In June, Germany put forward proposals, largely on Lord Curzon's prompting, for meeting the Allies' demands. The British Government declared, quite properly, that these proposals called for reply. Five months have passed, and no reply has ever been made. British policy was one of the chief rallying powers in Europe after the Napoleonic wars. For the past year its blindness, indecision, and impotence have been such that it has ceased to exercise any guiding influence upon European affairs.

In Eastern policy the tale has been the same. It was not enough that we should abandon all for which we fought against Turkey in the war. By the shameful Treaty of Lausanne we have also surrendered all the securities for British commerce in Turkey which we enjoyed before the war. By the policy which we have followed, British trade in Turkey is practically at an end. Our weakness has been noted elsewhere, and a similar fate now threatens our hold of valuable markets in the Far East.

By moral indecision, by divided counsels, and by diplomatic incompetence, the Government have failed, in Europe and Asia alike, to make one single effective effort to assert our rights, to restore our trade, or to bring back peace and order to a distracted world.

Every serious observer of contemporary affairs knows that Liberal criticism of this policy during the Parliament now dissolved was abundantly justified. Our warnings were left unheeded, and the inaction of the Government has been a potent contributory cause of unemployment at home.

Liberal policy stands for the prompt settlement of Reparations, with due consideration for the position of inter-allied debts, and for an earnest endeavour to co-operate with the great American Commonwealth in bringing peace to the World. Liberals hold that the economic restoration of Europe is the necessary condition of the revival of our industries and the establishment of peace. They would welcome the reopening of full relations with Russia.

The whole force of the Liberal Party will be thrown into the support of the League of Nations. Our foreign policy should aim at making full use of the League, and enlarging its scope and power, until all nations are included within it, and in substituting international co-operation for the perpetuation of national enmities and the piling up of the means of destruction.

But the return to normal economic conditions must take time, and in the interval unemployed men and women cannot be left to await better times with no prospect but unemployment benefit and Poor Law relief. The schemes of the Government are totally inadequate.

Trade restriction cannot cure unemployment. Post-war condi-

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tions do not justify such restrictions; they merely render it more disastrous. High prices and scarcity can only lower the standard of living, reduce the purchasing power of the country, and thereby curtail production. An examination of the figures shows that the suggested tariff cannot possibly assist those trades in which unemployment is most rife. The last thing which taxation on imports can achieve is to provide more work for those engaged in manufacture for export.

Mr. Baldwin asks for a blank cheque, and if he is wrong the country must take the risk. He offers no evidence. He formulates no scheme. In the face of declarations made last year by prominent Tariff Reformers like Mr. Bonar Law and Mr. Austen Chamberlain, that after-war conditions make proposals for Tariff Reform inopportune and injurious, he asks for power to tax an undefined number of commodities, without any disclosure of the scale or range of the duties, or the industries to be disturbed.

The Liberal Party is equally convinced that the remedies recommended for unemployment by the Labour Party — Socialism and the Capital Levy — would prove disastrous. What is needed is not the destruction of enterprise but its encouragement; not the frightening away of Capital but its fruitful use.

The Liberal Party is not content with criticising the proposals of others. The country has made enormous sacrifices to restore the national credit. A bold and courageous use should be made of that credit on enterprises that would permanently improve and develop the home country and the Empire; such as internal transport by road and water, afforestation, the supply of cheap power secured by the co-ordinated use of our resources of coal and water, reclamation and drainage of land, the development of Imperial resources especially in our Crown Colonies, railway building in the Dominions and India, the facilitation of oversea settlement under the British flag, cheapening the means of transport in order to develop inter-imperial trade, and a freer use of the provisions of the Trade Facilities Act.

The Liberal Party proposes thoroughly to remodel the Insurance Acts with a view to providing benefits sufficient to allow a reasonable subsistence to a man and his family without aid from Poor Law Relief. The Poor Law authorities should not have to bear a burden which ought to be regarded, not as a local, but as a national, charge.

The Liberal Party will take all possible steps to promote the co-operation of employers and employed. The worker should be secured a proper status and a fair share in the produce of the industry in which he is engaged. Liberal industrial policy is based upon the principles of partnership between Labour and Capital,

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security of livelihood for the worker, and public advantage before private profit.

Women electors should be among the first to recognise and resist the Protectionist attack on the standard of life of the poorest homes in the country. Of all sections of the community, they are in the closest and most intimate contact with prices, and no one will suffer more from Tariffs than the Chancellor of the Exchequer of the home. Liberals aim at securing political, legal, and economic equality between men and women. Mothers and fathers should have equal rights and responsibilities in the guardianship of their children.

The thrift disqualification attached to Old Age Pensions should be immediately removed. Liberal policy concentrates upon lifting from the homes of the poor those burdens and anxieties of the old, the sick, and the widow with young children, which the community has the power and the duty to relieve.

The needs of British Agriculture require special consideration. Import duties on what the farmer buys can only further injure his position. British agriculture requires a free hand, stability of prices, greater capital resources, security of tenure, adequate means for preventing the exaction of unfair and uneconomic rents, and improved transport. Credit facilities for the farmer, and co-operative marketing on a large scale with Government assistance which has so successfully helped American agriculture over a great crisis, can also be applied in our own country. Opportunity should be given for the cultivator to become the owner of his own land on reasonable terms by a system of land purchase. A free man on his own land, whether as farmer or small-holder, has always proved the most successful and energetic of producers. Small holdings and allotments should be developed and encouraged.

The agricultural Labourer is engaged in a skilled industry of cardinal importance to the nation, and ought to be adequately remunerated. The State must recognise that the conditions of his work make it vital to secure that his standard of life should be raised, his housing vastly improved, and the amenities of rural life enlarged. Every opportunity should be given to him and his children to improve their position on the land which he has cultivated for so long.

Unemployment is also caused by over-taxation and wasteful administration. There is urgent need and abundant scope for retrenchment in the expenditure of the taxpayers' money in some departments of public service. The Liberal Party draws a sharp distinction between the use of the National revenue for purposes which add to the wealth and comfort of the people as a whole, and the waste of public money in directions which are unproductive or destructive. Liberals will be no parties to the starvation of, or to false economies in, Edu-

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cation. They believe that no better investment of National wealth can anywhere be found than in developing the faculties and intelligence of the youth of the country.

For the same reason, Liberal Policy centres upon the promotion of all those things which build up the home — housing, temperance, child-welfare and other social services.

The rapid and adequate provision of housing accommodation is an urgent public duty. It should be treated, not as a local, but as a national problem; and until the present shortage has been overtaken, there should be no further decontrol of rents.

The excessive consumption of alcoholic drink is one of the main causes of unemployment, disease, and poverty; and the right of the citizens of a locality to decide for themselves the drink facilities in their own area should no longer be withheld.

Reforms in local government and rating are long overdue. For some years the Poor Law system has been ripe for legislative revision. The overlapping of insurance, Old Age Pensions, and Poor Law Relief requires immediate action. The present rating system discourages improvement and penalises those who create industries or provide houses. It must be so altered that as great a part of the burden of rates as is practicable is transferred to those who benefit most by the efforts of the community, namely, the owners of the site value.

The dweller in the town, like the dweller on the land, should be entitled, if he so demands and his terms are fair, to become the owner of his factory, shop, or home. Leasehold enfranchisement has long been an object of Liberal policy. It is time that it became the law of the land.

Mr. Baldwin's sudden plunge has thrown his own supporters into confusion and has firmly united the Liberal Forces. The country has now the opportunity of overthrowing a Government whose record is one of unrelieved futility, and of calling for an alternative administration, which will pursue Peace and Reconciliation abroad, and Social and Industrial improvement at home, and which is definitely committed to the defence of Free Trade as the best basis upon which to rebuild the life of the Nation.

III. Manifesto of the Labor Party

After a year of barren effort, the Conservative Government has admitted its inability to cope with the problem of unemployment, and is seeking to cover up its failure by putting the nation to the trouble and expense of an election on the tariff issue.

The Labour Party challenges the tariff policy and the whole conception of economic relations underlying it. Tariffs are not a

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remedy for unemployment. They are an impediment to the free interchange of goods and services upon which civilised society rests. They foster a spirit of profiteering, materialism, and selfishness, poison the life of nations, lead to corruption in politics, promote trusts and monopolies, and impoverish the people. They perpetuate inequalities in the distribution of the world's wealth won by the labour of hands and brain. These inequalities the Labour Party means to remove.

Unemployment is a recurrent feature of the existing economic system, common to every industrialised country, irrespective of whether it has Protection or Free Trade. The Labour Party alone has a positive remedy for it.

We denounce as wholly inadequate and belated the programme of winter work produced by the Government, which offers the prospect of employment for only a fraction of the unemployed in a few industries; and in particular provides no relief for women and young persons.

The Labour Party has urged the immediate adoption of national schemes of productive work, with adequate maintenance for those who cannot obtain employment to earn a livelihood for themselves and their families. The flow of young workers from the schools must be regulated to relieve the pressure on the labour market, and full educational training, with maintenance, must be provided for the young people who are now exposed to the perils and temptations of the streets.

The Labour programme of national work includes the establishment of a national system of electrical power supply, the development of transport by road, rail, and canal, the improvement of national resources by land drainage, reclamation, afforestation, town-planning, and housing schemes. These not only provide a remedy for the present distress, but are also investments for the future.

Agriculture, as the largest and most essential of the nation's industries, calls for special measures to restore its prosperity and to give the land workers a living wage. The Labour policy is one that will develop agriculture and raise the standard of rural life by establishing machinery for regulating wages with an assured minimum, providing credit and State insurance facilities for farmers and small-holders, promoting and assisting co-operative methods in production and distribution, so as to help to stabilise prices, and make the fullest use of the results of research.

The Labour Party proposes to restore to the people their lost rights in the land, including minerals, and to that end will work for re-equipping the Land Valuation Department, securing to the community the economic rent of land, and facilitating the acquisition of land for public use.

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Labour's vision of an ordered world embraces the nations now torn with enmity and strife. It stands, therefore, for a policy of international co-operation through a strengthened and enlarged League of Nations; the settlement of disputes by reconciliation and judicial arbitration; the immediate calling by the British Government of an international conference (including Germany on terms of equality) to deal with the revision of the Versailles Treaty, especially reparations and debts; and the resumption of free economic and diplomatic relations with Russia. This will pave the way for disarmament, the only security for the nations.

Labour condemns the failure of the Government to take steps to reduce the dead-weight War Debt. No effective reform of the national finances can be attempted until the steady drain of a million pounds a day in interest is stopped. Treasury experts, in evidence before a Select Committee of the House of Commons, expressed their view that a tax on war fortunes could be levied, and have therefore admitted both the principle and its practicability. A Labour Chancellor of the Exchequer, in consultation with Treasury experts, would at once work out a scheme to impose a non-recurring, graduated War Debt redemption levy on all individual fortunes in excess of £5,000 to be devoted solely to the reduction of the debt.

The saving thus effected, with reduction of expenditure on armaments, other sane economies, and the increased revenue derived from taxation of land values, would make it possible to reduce the burden of income tax, abolish not only the food duties, but also the entertainments tax and the corporations profits tax, as well as provide money for necessary social services.

Labour policy is directed to the creation of a Commonwealth of Co-operative Service. It believes that so far only a beginning has been made in the scientific organisation of industry. It will apply in a practical spirit the principle of public ownership and control to the mines, the railway service, and the electrical power stations, and the development of municipal services. It will make work safe for the worker by stricter inspection of work places and more effective measures against accidents and industrial diseases. It will provide fuller compensation for the workers and improve the standard of hours.

Labour policy is directed to the creation of a humane and civilised society. When Labour rules it will take care that little children shall not needlessly die; it will give to every child equality of opportunity in education; it will make generous provision for the aged people, the widowed mothers, the sick and disabled citizens. It will abolish the slums, promptly build an adequate supply of decent homes, and resist decontrol till the shortage is satisfied. It will place the drink traffic under popular control.

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In accordance with its past actions inside and outside Parliament, the Labour Party will do its utmost to see that the ex-service men and their dependents have fair play.

Labour stands for equality between men and women; equal political and legal rights, equal rights and privileges in parenthood, equal pay for equal work.

The Labour Party submits to the men and women of the country its full programme. It urges them to refuse to make this general election a wretched partisan squabble about mean and huckstering policies. It appeals to all citizens to take a generous and courageous stand for right and justice, to believe in the possibility of building up a sane and ordered society, to oppose the squalid materialism that dominates the world to-day, and to hold out their hands in friendship and goodwill to the struggling people everywhere who want only freedom, security, and a happier life.

CHAPTER VIII

HOME RULE AND DEVOLUTION

THE development of the principle of autonomy within the British Empire, the relaxation of control from London, has made notable progress in the past few years. The Irish problem, which has so long harassed English statesmen and complicated domestic politics, seems in a fair way towards final solution. The Irish Free State has taken its place in the "British Commonwealth of Nations" alongside of Canada and the other self-governing dominions (*Section C*). Ulster, for the present at least, remains aloof from the rest of Ireland, with a legislature of her own and at the same time representation in the House of Commons at Westminster; but no serious obstacle stands in the way of reunion when once Ulster feels assured that her religion and her industrial interests will not suffer at the hands of a Catholic and agrarian majority. Ulster's relationship to the Imperial Parliament suggests the possibility of a similar plan for Scotland, Wales, and England under the name of "federal devolution" (*Section A*). The nationalist movement in India, growing steadily more formidable since the war, has led to concessions which go far beyond those of 1909 and greatly extend the political rights of the native population; and these concessions, according to an official declaration, foreshadow "the gradual development of self-governing institutions with a view to

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the progressive realisation of responsible government in India as an integral part of the British Empire" (*Section D*). Egypt, after forty years of military occupation (latterly as an English protectorate), has apparently passed out of the imperial orbit and been recognized as an independent state; but in view of certain reservations made by the English government Egyptian foreign relations will be subject to some measure of control (*Section E*).

The late war, while it doubtless strengthened national consciousness in the self-governing dominions and tended to remove the last vestiges of subordination, also emphasized their sentimental attachment to the mother-country as well as the need of closer association for purposes of defence and economic advantage. The extent of this closer association and the form which it will take must be left to gradual adjustments in the future. Considerations of space make it impossible to treat in this chapter all the large questions involved. Only the status of the Dominions in international affairs is discussed (*Section B*). Those who wish to understand the situation would do well to examine the proceedings of the Imperial Conference of October, 1923, and the comments of newspapers and magazines thereon.¹

Section A. Federal Devolution

Great Britain is a unitary state in which legislative power rests exclusively with the central Parliament. Matters of local concern, it is true, are regulated by county councils and borough councils, but only within a restricted field. Parliament still gives much of its

¹ For the proceedings see *Parl. Paper Comd.* 1987, 1988.

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time to the consideration of the "affairs of the town pump" as well as the large affairs of Empire. If, then, it suffers from overwork and shows disquieting symptoms of decline, why not shift part of the burden — divide the country into provinces and erect provincial legislatures, subordinate to Parliament, but entrusted with extensive powers? Those who advocate this scheme of "federal devolution" maintain that it would not only regenerate Parliament, but satisfy aspirations of the Scotch and Welsh ¹ and greatly increase popular participation in government. Devolution does not involve a sacrifice of the sovereignty of Parliament. The arrangements would resemble, not those of the Dominion of Canada where the provincial legislatures are sovereign in the exercise of their enumerated powers, but those of the Union of South Africa where the provincial councils can be swept out of existence by the central government. Some of the advantages and disadvantages of devolution are presented below.²

EXTRACT I. THE CASE FOR DEVOLUTION ³

I turn to consider the proposal as a means of relieving Parliament of some portion of the burden of work that must fall upon it when the war is over. It is the urgency of the need of providing some means of relief that has unquestionably exercised the largest influence in favour of the idea of Federal Devolution. Parliament has for long suffered from an all but intolerable congestion of work; and what was bad before the war will be incalculably worse after it. Two methods of relief, and two only, have been suggested. The one is Devolution, and the other is such a change in Parliamentary procedure as would

¹ The argument was much stronger when the federal plan could be offered as a solution of the Irish problem.

² A justification of the proposal will be found in *The Federal Solution*, by J. A. M. Macdonald and Lord Charnwood (T. Fisher Unwin, 1914).

³ J. A. Murray Macdonald, in the *Contemporary Review*, Vol. CXIV (1918), pages 134-140. The earlier passages of this article, in which devolution is considered as means of settling the Irish question, have been omitted.

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tend to expedite the transaction of business. As to the former, I need say nothing, except that, to the extent to which it went, it would obviously be effective. As to the latter it has been tried, and tried repeatedly, and it has notoriously failed to effect its purpose. But it has not simply failed. It has produced another evil, more serious than the evil it was intended to remedy, an evil which is slowly undermining the authority of Parliament itself, and the respect of the people for it. Every successive change of procedure, made with the object of facilitating the passage of measures, has more and more clearly curtailed the great deliberative functions of Parliament, and correspondingly increased the functions of the Executive. Nor is this all. As a direct consequence of the constantly growing mass and complexity of business, there has been going on an almost silent and unnoticed devolution of legislative power from Parliament to the Executive, and this on a vast scale. It was inevitable that a devolution of this kind should be made during the war, and as a war emergency measure. But for long before the war broke out, with no special emergency to justify it, hardly a week went by in which one or other of the great Departments of State did not issue edicts of its own, in the form of Orders in Council or Provisional Orders, which changed existing laws, and had all the force and effect of Acts of Parliament without any of that scrutiny and debate to which they ought to have been subjected in Parliament. Speaking on the subject of the power of the House of Commons to discharge its functions as an instrument of legislation and as an instrument of control on behalf of the people over the Executive of the day, Sir Edward Grey said that the choice before us was "devolution or destruction." I have adopted these words as the title of this article. They were used in the House of Commons in 1912. But if the choice which lay before us, in the situation in which we then were, was of this nature, in what words are we to describe the situation in which we shall find ourselves when the war is over, unless in the meantime, with all our available strength, we seek to provide against it?

I might stop here. But two objections have been taken to Federal Devolution which are alleged to be of so serious a kind that they ought to induce us to adhere to our present Parliamentary system in spite of all its admitted and great defects; and it seems necessary to say a few words upon them.

The first has been repeatedly urged in the House of Commons by Mr. Balfour. He has told us that the great object of our Constitutional policy for now more than two hundred years has been to draw closer the bonds of union between the several parts of the United Kingdom, and that every change that has taken place in our Constitution during that time has been a change directed to this end. He has

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further told us that the more recent Constitutional policy of every progressive State in the world, including the Dominions of the Empire, has been determined by the same purpose and directed to this same end. But Federal Devolution, he holds, runs counter to this policy; and to consent to it would be to consent to the re-creation of the old differences and divisions between the several parts of the United Kingdom, and to the weakening, perhaps even to the disruption, of the union between them.

No one will deny that this is a serious objection; or that, if it cannot be met, it ought to be accepted as conclusive. . . . But let us distinguish. Whatever may be said about Ireland, neither England nor Scotland has any quarrel with the union between them. Both have gained immeasurably by it. Even if we grant for a moment that the movement in favour of Federal Devolution may be a mistaken one, there is certainly among those in Great Britain who support it no sentiment of hostility to union. Its whole scope and purpose is to adjust our Parliamentary constitution to the conditions of our time.

Let us further distinguish. The Parliament of the United Kingdom at present acts in four separate capacities. In one capacity it acts as the local legislature for the peoples of England, Scotland, and Ireland, providing for their several domestic needs. In another it acts as the local legislature providing for the needs which are common to the three peoples. In a third it acts as the authority finally responsible for the government of the Dependencies, Crown Colonies, and Protectorates. While in a fourth it stands before the world as the supreme presiding authority over the destinies of the Empire at large. What, then, is there hostile either to the idea or to the sentiment of union in the proposal that it should free itself for the adequate discharge of its functions in the last three of these capacities by devolving on subordinate legislatures in England, Scotland, and Ireland its functions in relation to the first of them? It is not disputed that it is essential to us to discover some means of enabling Parliament to do its work as it ought to be done; and we have seen that changes of procedure have failed to provide this means. What other alternative is suggested? To this no answer has ever been given; and it is not unreasonable to assume that it is because no answer can be given, and that we are in truth confined to the choice put before us by Sir Edward Grey, of devolution or destruction.

There is still another consideration, of a more general kind, bearing on the objection. What Mr. Balfour, in effect, asks us to assume is that an increasing concentration of spirit and purpose in a people or peoples involves an increasing concentration of all the functions of Government in a single organ. This is surely a very disputable

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proposition. It is certainly not true in the realm of animal life. There a progressive differentiation of organ is the measure of a progressive concentration of action and purpose. The one is the necessary condition of the other. It would carry me too far afield to attempt to prove that it is also not true within the realm of moral life. I content myself with the bare assertion that a decentralisation of the functions of government is the essential condition of a stable and ordered growth in the complexity of our moral relations; and that without it there can be no such thing, in our modern world, as a stable and ordered democracy.

The other objection is that Federal Devolution would involve such a breaking up of the British Constitution as would be both destructive of its spirit and irreconcilable with its present mode of working. This objection also would be serious if it could be sustained. I assert with some confidence that it rests on a misunderstanding either of the nature of our Constitution or of the scope of the proposed Devolution. It is, in truth, the Constitution itself, as it has come down to us, that suggests Devolution as the remedy for congestion of work; that defines its limits; and that gives us the principle in accordance with which the distribution of powers as between the Parliament of the United Kingdom and the subordinate Legislatures to be set up under it must be made.

The Constitution of the United Kingdom is not a completely unitary Constitution. It has never been so. It was never intended that it should be so. The three countries composing the Union were not merged by it into one. Under the Acts of Union the Constitution has always been, and it was always intended that it should be, federal in spirit. Each of the three countries had before the Union, and continues to have under the Union, its own laws regulating its own strictly domestic interests, and its own system of administering those laws. Within a clearly defined area of interests, the same in all the countries, Parliament passes separate, and often very different, laws for each; and each claims and is entitled to claim that it is its opinion that ought to determine the general character of the laws passed on its behalf. The motive of the Union was not the obliteration of these differences and distinctions, and it has not had this effect. It was entered into for the purpose of promoting and securing, in accordance with a common principle, the common good of the three peoples in their relations with the other peoples of the world; and in the accomplishment of this purpose it has been an unrivalled success.

All this is incontestable. It is written in our laws. It is embodied in our systems of administration. Can it then reasonably be maintained that a scheme of Devolution, equally applicable to the three

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countries, involving the concession of the same powers to subordinate legislatures in each, is inconsistent with the nature and purpose of our Constitution? The scheme in its main outlines is already there, embodied in the Constitution, requiring only to be lifted out from it. To create subordinate legislatures in accordance with it would require the creation of no new administrative bodies. They are already there. Nor would it require any change in our judiciary system. It would continue as it is. And it would make no change in the spirit of the Constitution, nor even any radical change in the mode in which it has hitherto worked.

One other word in conclusion. In its handling of the interests common to the peoples of the three countries the Parliament of the United Kingdom has been a great and unquestioned success. Within this area of its authority there has never been even a shadow of trouble between it and any of the peoples on whose behalf it has acted. But this, unhappily, has not been the case within that area of its authority concerned with the distinctive conditions that separately characterise the domestic life of the three peoples. It is within this area that all its troubles and failures have arisen. Ireland has been the chief, but not the sole, victim of these failures. England and Scotland, too, have suffered from them. If, then, we devolve upon the three powers separately to manage and control this area of several and distinct interest, may it not be that, apart altogether from any considerations relating to congestion, we shall be remedying the one great defect in our system of government that has stood in the way of a real union of interest and affection between the three peoples? It is at least worth our while to consider it.

EXTRACT II. ANOTHER STATEMENT OF THE CASE¹

As a method of increasing Parliamentary efficiency I put more and more value upon devolution. The case for an Irish Parliament is complete. The matter does not end there, however. The overwhelming influence of England on Scottish and Welsh affairs is destroying the native political instincts of these nations. It is a profound calamity that our "predominant partner" possesses political instincts and educational equipment of a much lower order than those of the two nations joined to it. Their capabilities are thus lost, are slowly being crushed out and stifled, and the Imperial Parliament comes nearer to the political intelligence of Sussex and Surrey, Rutland and Kent, than to the constituencies of the smaller nationalities

¹ J. Ramsay MacDonald, *Parliament and Revolution* (Thomas Seltzer, Inc., 1920), pages 97-102. Mr. MacDonald, leader of the parliamentary Labor party, became Prime Minister in January, 1924.

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where people are accustomed to think independently and where political affairs are followed with keen intelligence. Moreover, Parliamentary action is deprived of the support which would be given to it by the vigorous examples of legislation and administration which would come from beyond the Tweed and Severn. . . .

England itself is, however, composite and great gulfs separate district from district. The North-East Coast, to take but one example, is poles asunder from the Home Counties, and though they share a common citizenship, the use they would make of it is very different. I know that these differences cannot be pushed too far, but they have to be recognised more than they have been. I know that Yorkshire cannot have a tariff of its own, or Durham mining legislation all to itself as the reward of its intelligence; but there are many powers which Yorkshire and Durham could exercise without interference from Whitehall, and if greater districts than counties arranged in natural groups determined by old historical differences and more modern economic ones were created with powers that made their Councils really important, new life and reality would be infused into politics. The remoteness of the Imperial Parliament from the life of the people is the result of the State being too complicated for political precision. When we were ruled by landlords and then by capitalists, the State was simply the interest of the landed autocracy and the commercial plutocracy. It never could get too complicated. But so soon as it became a democracy, every variety in locality, every remaining trace of racial difference, every special feature of industrial difference, every variation in the tone of public opinion and the robustness of the minds of the people came into play, and in the large orchestra at Westminster they did not balance and did not harmonise. Politics lost touch with life. Pledges given to constituencies could not be fulfilled. The representative assembly could not be moved to interest itself in the things which interested great groups of people; elections therefore were not the occasion for a serious survey of politics and the issue of mandates upon which representatives could work for a term of office, were but the occasion for partisan orgies. The more ineffective Parliament is, the stronger partisanship becomes; the stronger partisanship is, the more mediocre become candidates. Thus, Parliament dies like a plant without soil in an uninvigorating atmosphere.

The sub-division of power that is required is not a vertical one on the lines of trades, for that will make things worse and make Parliament more useless and inefficient, but one which will strengthen local autonomy, bring politics back into touch with life, make the representative system representative on matters in which groups of people take an interest, encourage the national, racial, and district

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characteristics to develop themselves in harmony with each other, promote unity not by uniformity but by the co-operation of unlikes, and by enlivening the interests of the people in the affairs in which they immediately live, give them a capacity to come to sound judgment on their more remote and general concerns. The problem we have to solve is how to restore reality to politics, how to make Parliament as real to the people as it was to the landlords when it was enabling them to enclose commons and keep up rents, and as it was to the capitalists when it gave them Free Trade and Peace, Retrenchment, and Reform. One way is to make it a trade committee, but therein lies smallness, narrowness, sectionalism, which will in the end bring democracy to wreck. The other way is that which I suggest, which, by beginning with the home and the district, will awaken and instruct the interests upon which the power of governing democracy must be founded.

EXTRACT III. THE CASE AGAINST DEVOLUTION¹

The tyranny of phrases is a commonplace of politics. It grows with democracy; "with words we govern men." Man is born a lover of catchwords. "Self-determination" is now as popular as "free food." "Make Germany pay" conquered "wait and see." The "war to end war" has given place in some quarters to the "direct action" which begins it once again; the promise of a "war to make the world safe for democracy" fades in the ripper wisdom, which seeks to "make democracy safe for the world." The latest vogue is that enjoyed in Parliament and the Press by the expression "federal devolution," though all the propaganda of orators and publicists has so far failed to rouse any answering echo in the country. Its application is imagined to be a cure for many ills — a stroke of statesmanship, which will at once settle the Irish question, and reform the spirit and restore the popularity of the House of Commons. We are told that all will be well if only new legislatures are permitted to spring up in Scotland, Ireland and Wales and in various centres in England. Historians of this temper ask us to re-read the annals of the Heptarchy, and philosophers discuss English federalism as if it had been the unseen goal of the nation's evolution.

The whole scheme is illusory. The very words "federal devolution" are a source of confusion. Devolution is nothing new. Ever since the relief of the destitute poor was delegated by the Poor Law Act of 1834 to locally elected boards of guardians it has been an outstanding feature of British government. Parliament has come regularly to entrust more and more administrative duties to local

¹ Gerald B. Hurst, *Contemporary Review*, CXVI (1919), pages 383-387.

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bodies, subject to the control of central departments. An infinite variety of subordinate functions has passed to County Councils, City Councils, District Councils. Everybody realises how the success of many important statutes rests on municipal direction. Such is the case with public health and housing legislation, and with the practical working of the old age pensions. The Ministry of Pensions has recently adopted a useful plan for administering the whole of its provincial business through various regional headquarters, other than the actual issue of money, which is retained in London. No reiteration of the word "devolution" can give it the glamour of a discovery. It is a commonplace in British politics.

Federalism within the United Kingdom is, on the other hand, a genuine innovation, and is, in the absence of a general understanding of history and political science, a real danger to the State. Its adoption would necessarily involve two fundamental changes in our constitutional system; first, the setting up of provincial legislatures where none at present exist; secondly, a written delimitation of the functions of government between the central Parliament and the subordinate assemblies.

Three main arguments have been put forward in support of this project. First, it is urged that it would greatly lessen the overloaded business of Imperial Parliament. Secondly, it is contended that it would give more scope to the distinctive needs of provincial areas. Thirdly, federation is painted as the proper goal of the British Empire in place of the Parliamentary sovereignty, which has been its legal pivot since the sixteenth century.

From an English point of view the first point would carry most weight, if well founded, for the House of Commons has beyond all question to perform work beyond the physical power of its members. The case for federation, however, breaks down in this respect after examination. The one burden on the Commons which can be easily dispensed with is the mechanism of private bill legislation. Its association with Westminster is an accident of history, and its maintenance there to-day is a costly absurdity. It would be easy to remove it to an apter judicial body, sitting locally when more convenient and entirely severed from Parliament. Such a removal would in no way necessitate the establishment of any federal legislatures. It therefore hardly affects the real issue, viz., whether or no a federal system will reduce the volume of business with which the House of Commons and its standing committees have to deal. All probabilities point to the entire disappointment of the hope of lightening the House's burdens by any feasible method of federation. The measures which now absorb its time are almost wholly measures framed on national lines for national purposes, and are of various classes, which

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would be reserved to the central legislature under all known federal constitutions, notably those of the self-governing Dominions. The principal Bills of 1919 have related to finance, the Army, ways and communications, a Ministry of Health, housing, police, the mines, aliens, profiteering. Each is essentially the subject matter of legislation by the central body, and would be delegated to subordinate local assemblies under no acceptable written constitution. Men who talk glibly of how federalism will liberate Imperial Parliament from overwork ought to read the statutes which allocate the functions of government in federalised communities. . . .

We have now to test the truth of the second plea of the federalists — the alleged failure of the Imperial Parliament to consider local claims and needs with adequate care. For this contention it is difficult to find any evidence whatever. On the contrary, local interests have probably never been watched over more solicitously than they are to-day. The tendency is to elect more and more distinctively local candidates as members of Parliament, and under modern conditions Coke's noble theory that "though one be chosen for one particular county or borough, yet when he is returned and sits in Parliament, he serveth for the whole realm," is often insensibly modified by the member's own special knowledge of local conditions, by the constant pressure of local appeals, and by the overriding influence of local intercourse. Every function which admits of devolution is, in fact, already willingly and invariably delegated to decentralised authorities. . . .

The third point which partisans of federalism seek to make is singularly unhistorical. No empire builder ever saw in the division of a United Kingdom, the true end of its national development. No centralised State has ever regarded a more loosely knit system of sovereignty as an object of deliberate policy. Progress has always tended in the opposite direction. The political history of the United States between 1789 and 1861 was largely that of the growth of the idea of nationality at the expense of the idea of State rights. . . . Diversity of race, religion, language, interests or tradition, and inter-provincial jealousies often make absolute consolidation impossible. It is for this reason, and for no other, that statesmen have been forced to purchase unity at the price of various executive, legislative and judicial powers, with which the central government would never willingly have dispensed. It is a commonplace of human experience that union makes for strong, rapid and efficient action. . . . South Africa adopted a unitary constitution in view of the plain lessons of history. The South Africa Act, 1909, opens with a recital of the desirability "for the welfare and future progress of South Africa that the several British Colonies should be united under one government in

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a legislative union," and left to the component colonies only the control of matters of purely local concern. The dream of imperial federation has faded in our own time before the far more practical project of bringing representatives of every partner in the British Empire within an imperial cabinet, which will deal as a deliberative body with large questions of defence and diplomacy, but will otherwise not trespass on the sovereign or quasi-sovereign rights of each. This project has no bearing on "federal devolution" within the British Isles, and in no way involves any political cleavage within the United Kingdom.

Promoters of federalism ought also to bear in mind other grave objections, which go to the roots of their proposal. The federations in Greater Britain have found that the written division of powers between a central body and subordinate provincial legislatures means an inconvenient clog on the wheels of government, and leads to costly and long-drawn litigation. Such a division necessitates a written and rigid constitution, in view of the complex life of a modern State, and judicatures are called upon to interpret its terms as in the case of any other less distinguished type of contract. The issue whether some act of the Dominion or provincial Parliament in Canada is, or is not, *ultra vires*, has had to be decided again and again by Canadian courts, and by the Judicial Committee of the Privy Council. However unreal and fallacious the English theory of Parliamentary sovereignty may be it does confer one great advantage at least on the country by preventing the validity of any statute being called in question in a court of law.

The proposition that England would gain by the enactment of provincial laws differing from each other on any material matters is utterly vain. The uniformity of English law, apart from a few obscure local customs of no great moment, like gavelkind and borough English, has in past centuries facilitated social and commercial relations between different parts of the country. Historically, this harmony has helped to preserve it from the disintegrating doctrine of State rights. Particularism is a political vice. . . .

Presumably, a scheme of federalism would provide for a reduction of the present excessive number of members of Parliament. Even then, however, an enormous addition would be required to the existing number of men who are willing to sacrifice their time and money to their interest in public affairs. It is already difficult to keep up an adequate supply of men who are capable of useful work and equal to the constantly increasing strain of public business. The demands of administration and deliberation are so exacting that those who earn their own living find it hard to attend meetings of Parliament and municipal bodies with due regularity. It seems doubtful

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whether many qualified men and women would be attracted to join the suggested provincial assemblies, which would enjoy no prestige, and would necessarily possess narrow functions, wedged in, as they would be, between a busy Parliament on one side and the busy County Councils and corporations on the other.

Those who advocate "federal devolution" are, in fact, not only flouting the well tried principles of the British Constitution, but are desiring a most unwarranted extension of all that cumbrous and creaking machinery of government which is fast becoming a byword in this country. Every provincial assembly would need its own civil service, its own offices and officials, its own literature and red-tape. Government employ has for the last few years drawn far too many men and women of talent from productive work and crushed their capacity for initiative and individuality under the deadweight of departmental routine. The overgrowth of bureaucracy is a political menace, and a seed-plot for extravagance and waste. The cry for "federal devolution" is indeed signally inopportune. The country needs less government, not more government; fewer officials, not more officials; fewer laws, not more laws.

EXTRACT IV. THE WEBBS' CRITICISM OF DEVOLUTION¹

We must recall to the reader our previous analysis of the failure of Parliament to cope with the collective business of the community, and the dangerous disillusionment with parliamentary institutions, and even with Democracy itself, which this failure has caused. There is, first, the admitted congestion of business in the House of Commons and the Cabinet, which is making Parliamentary government a byword. Every one agrees that some remedy for this congestion must be promptly found; and the suggestions for the purpose range from a mere revision of the procedure of the House of Commons to the establishment by "devolution" of a litter of subordinate legislative assemblies for particular parts of Great Britain, whether "nations," "regions" or "provinces." It is, however, difficult to see how a mere devolution of legislation to subordinate Parliaments — a project which is found to bristle with difficulties of its own — will amount to much, unless each of the new Parliaments is allowed to control the administration of the "nation," "region," or "province" committed to its care; and the splitting up of the administration of a country so nearly homogeneous and so closely integrated as Great Britain has become appears to be open to grave objections. It seems plain that national defence, Customs, the Post Office, the

¹ Sidney and Beatrice Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (Longmans, Green & Co., 1920), pages 131-134.

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administration of the Income Tax and Super Tax, the Supreme Court of Appeal, and many other important departments — not to mention such nationalised industries as the railways and mines — could not be divided without the most serious practical inconvenience and loss of efficiency; whilst any divergence among different parts of Great Britain in such matters as Factory Legislation, the Mines Regulation, Merchant Shipping and Trade Boards Acts, Unemployment Insurance, and the Employment Exchange, whether in law or in administration, would lead to disabling inconvenience. How far it is desirable to permit of variations between one part of Great Britain and another in the minimum standards enforced in any application of the Policy of the National Minimum raises difficult economic and industrial problems. With regard to health and education, for instance, where the central administration confines itself almost entirely to prescribing the National Minimum, supervising the Local Authorities and subsidising such of their activities as it approves, practically the whole field of variation to suit local conditions is already open to the responsible elected assembly for each locality (the County, Borough or district council). In fact, it is very forcibly argued by those who oppose “devolution” that the case for what is called “regional” or “provincial” Parliaments is, in effect, no more than an argument for the concession of a greater measure of independence in self-determination to the existing Local Authorities, possibly with suitable enlargement of their areas, without any alteration in the constitution either of the legislative body or of the central administrative departments. It comes to no more than an alteration in the powers and areas of Local Government, a matter dealt with in a subsequent chapter.

But even assuming for the moment that the House of Commons and the Cabinet could, by the expedient of creating several new Parliaments for particular localities, rid themselves of any important part of the business by which they are now overwhelmed — an assumption which few experienced officials would allow — no such multiplication of Parliaments, each of them dealing with all the business of its geographical province, would remove the second cause that we have assigned for the creeping paralysis that has come over parliamentary government and the Cabinet System. What to-day renders impotent both the House of Commons and the Cabinet is not wholly, or even mainly, the mere volume of the business with which they have severally to deal. The main cause of their failure is the heterogeneity of the issues on which they are supposed to express and to carry out the Common Will of the community. Upon such a heterogeneous mass of issues, simultaneously presented to it, the community has not, and never can have, any Common Will.

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The community as a whole, like the individual elector, has simultaneously several different wills; and the attempt to merge them at one and the same General Election results, for the most part, not in any "Greatest Common Measure" — for it is not a sum in arithmetic — but in uncertainty and paralysis. Only when one question is made temporarily to predominate can any clear decision be obtained; and this is then obtained at the cost of paralysis of the national will as regards all the thousand and one other subjects needing to be attended to.

EXTRACT V. THE SPEAKER'S CONFERENCE ON DEVOLUTION¹

[On June 3, 1919, the following resolution was adopted in the House of Commons by a vote of 187 to 34: 'That, with a view to enabling the Imperial Parliament to devote more attention to the general interests of the United Kingdom and, in collaboration with the other Governments of the Empire, to matters of common Imperial concern, this House is of opinion that the time has come for the creation of subordinate Legislatures within the United Kingdom, and that to this end the Government, without prejudice to any proposals it may have to make with regard to Ireland, should forthwith appoint a Parliamentary body to consider and report —

'(1) Upon a measure of Federal Devolution applicable to England, Scotland, and Ireland, defined in its general outlines by existing differences in law and administration between the three countries;

'(2) Upon the extent to which these differences are applicable to Welsh conditions and requirements; and

'(3) Upon the financial aspects and requirements of the measure.'²

In pursuance of the resolution, the government set up a Conference on Devolution, with the Speaker of the House as chairman. By the terms of this reference, the Conference was not required to pronounce for or against the principle of devolution, but simply to consider what would be the most practicable method of putting it in operation.]

The report of the Speaker's Conference on Devolution [Cmd. 692] has been issued as a Parliamentary paper. Two schemes are drawn up, one by the Speaker and another by Mr. Murray Macdonald. The Parliamentary paper contains an introductory letter from the Speaker to the Prime Minister, in which are summed up largely the points of agreement and the procedure of the conference. The sepa-

¹ *Manchester Guardian Weekly*, March 14, 1920.

² *Parliamentary Debates (Commons)*, Vol. CXIV, column 1873.

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rate legislative bodies proposed are for England, Scotland, and Wales (including Monmouthshire). The special problems raised by Ireland were not considered [in view of the introduction of the Government of Ireland bill].

In the course of his letter the Speaker points out that substantial agreement was reached upon the powers of legislation, financial relations, and judiciary.

The powers that should be devolved on the subordinate legislatures are:

1. Regulation of internal commercial undertakings, professions, and societies, advertisements, amusements, auctioneers, building and loan societies, licensing (liquor) and fairs.

2. Order and good government — e.g., betting, charities, police, Poor Law, Prisons, etc.

3. Ecclesiastical matters.

4. Agriculture and land.

5. Judiciary and minor legal matters, coroners, county courts, criminal law (procedure and definition, punishment of minor offences), law of inheritance, intestates, estates, land conveyance and registration, minor torts, trustees.

6. Education, primary, secondary, and university (except Oxford, Cambridge, and London).

7. Local Government and municipal undertakings, county council and municipal bills, corrupt practices, fire brigades, harbours (except naval harbours), guardians, local legislation (private bills, gas, water, and electricity undertakings), municipal government (including local franchise,), roads and highways.

8. Public Health, preventive measures, contagious diseases, hospitals, housing, insurance, national health, lunacy.

In regard to finance, the conference recommends as follows:

In order to meet the expenditure on the transferred services (including those covered by local taxation grants) there shall be handed over annually for a period of five years to the local legislatures in Great Britain, with power to vary those particular duties, the following sources of revenue:

- (1) Liquor licences (dealers and retailers, but not producers);
- (2) establishment licences; (3) traders' licences; (4) entertainments duty; (5) inhabited house duty; (6) land values duties, together with the equipment of the net yield of so many pence in the pound of the annual income-tax (excluding super-tax) as will at the outset balance the account. After the end of five years the whole situation with regard to allocated funds and allocated taxes shall be reviewed.

The conference adopted the Judiciary Committee's report, the general effect of which is:

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1. That in the case of England, Scotland, and Wales the definition and punishment and the regulation of procedure in the trial of major crimes (*mala in se*), adopting for this purpose the list usually found in extradition treaties, should be reserved to the United Kingdom Parliament, and that such changes as may hereafter be found necessary in other matters should be left to the local legislatures to determine.

2. That the Scottish judicial system should remain unchanged, and that any change with regard to Wales, the implications of which are set out in the report, should take place only if and when asked for by the Welsh legislature.

The conference are divided upon the character and composition of the local legislative bodies themselves.

The main difference between the two schemes is that the Speaker proposes for each area a council of Commons, consisting of the members of Parliament for the area, and a council of peers, nominated from the House of Lords for the duration of each Parliament by a Selection Committee of the House of Lords. Mr. Macdonald proposes that the elected Chamber in each area should consist of members specially elected for the same constituencies and by the same electors as now return members to the United Kingdom Parliament, and should sit for five years, unless sooner dissolved, and he leaves the question of one or two Chambers to the Government to determine.

EXTRACT VI. LOCAL LEGISLATURES UNDER DEVOLUTION¹

[The opposed views on this question, mentioned in the previous Extract, are here considered at greater length.]

There was divergence of opinion as to the manner in which the local legislatures should be constituted. The Speaker says:

“For some time the discussion was carried on as a duel between those, on the one side, who supported the proposal, associated with the names of the late Lord Brassey and Mr. Murray Macdonald, for setting up subordinate legislative bodies with separate election, and, on the other side, those who were so impressed by the disadvantages which appeared to them inherent in such a scheme, that, in the absence of an alternative, they felt themselves driven towards the necessity of opposing the principle of Devolution itself. In order, if possible, to bridge this divergence of view, and to raise the discussion from the level of a general affirmation and negation of the desirability of Devolution to a more detailed examination of the relative merits of various schemes, I searched for an alternative proposal to that of Mr. Murray Macdonald,

. ¹ The *Liberal Magazine*, Vol. XXVIII (1920), pages 308–309.

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and submitted to the Conference a scheme which was subsequently identified with my name."

But the Speaker's hope that this scheme might lead to the discovery of a practical method of Devolution that would commend itself as satisfactory to the bulk of the members was "not altogether realised." Neither his scheme nor the scheme of Mr. Murray Macdonald commanded the favour of a substantial majority, and the Report of the Conference consists therefore of a statement of the points upon which the members were substantially agreed, and the two schemes for constituting local legislative authorities without any recommendation in favour of either.

The Speaker's Transitional Scheme, as modified in course of discussion in the Conference, proposes to set up subordinate legislatures for England, Scotland and Wales (including Monmouthshire). These legislatures are to be styled "Grand Councils," and each "Grand Council" is to consist of two Chambers—"the Council of Commons" and "the Council of Peers." The Council of Commons is to consist, for each of the three areas, of all the Members of Parliament returned to the House of Commons to sit for constituencies in that area. The Council of Peers to consist of a number of Members of the House of Lords equal to half the number of Members of the House of Commons for that area, and chosen for the duration of each Parliament by the Committee of Selection of the House of Lords. It is suggested that the spring and summer months be reserved for the ordinary session of Parliament, and the autumn for the ordinary sessions of the Grand Councils. Each to be free to decide whether it shall sit in London or elsewhere.

Mr. Murray Macdonald's alternative scheme differs from the Speaker's on the fundamental point of providing for direct election to the subordinate legislatures. Each subordinate legislature, this scheme suggests, should have a *directly elected* chamber, each chamber to consist respectively of the same number of members as now represent England, Scotland, and Wales at Westminster, elected from the same constituencies and by the same electors. This scheme leaves it to the Government to determine whether there should be one or two chambers in each legislature. Whether the subordinate legislature be unicameral or bicameral, peers shall not be disqualified for election to the popularly elected chambers. The subordinate legislatures are to determine the question of payment of their members, and they are to sit for five years unless sooner dissolved.

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Section B. Dominion Autonomy

[The period since the war has been marked by a cordial co-operation between the different parts of the British Commonwealth of Nations, but at the same time by a fuller recognition of their right to travel independent paths. Sir Wilfrid Laurier's phrase, "a galaxy of independent nations," describes the Empire more accurately today than it did when he used the words more than a quarter of a century ago. At the peace conference the Dominions demanded and received separate representation; their plenipotentiaries signed the treaty; and they became individually members of the League of Nations. "To us was given recognition of Australia as a nation," said the premier of the Commonwealth, William Morris Hughes. "We entered into the family of nations on a footing of equality." This language was echoed by David Lloyd George, at the conference of imperial representatives in 1921, when he said that the Dominions had "achieved full national status." The appointment of Timothy Smiddy as minister plenipotentiary of the Irish Free State at Washington in 1924 seemed to emphasize the tendency towards independent action in foreign affairs; and in December of that year the Colonial Secretary announced that in future the Dominion High Commissioners were to be treated, as respects certain diplomatic immunities, "in every respect on the same footing as foreign ministers" resident in England. "We have for some time now insisted that foreign countries recognize the status of the Dominions, and even their right, if they should wish, to appoint their diplomatic representatives in foreign countries. It never seems to have occurred to us that the logical corollary of this would be that we should recognize their status here at home." From such facts as these casual observers have concluded that the British Empire has lost its cohesion. A more just and measured view, at least from the legal standpoint, is given by Professor Keith in the following passage.¹]

To what extent has this position been changed by the war? Has the British Empire been divided up as the outcome of the conflict into a group of states: the United Kingdom, the Irish Free State, Canada, Australia, New Zealand, South Africa, and India, each with its dependencies, which collectively constitute the Empire, but each of which has a distinct existence as a unit of international law? For this, of course, there is the classical parallel of the long period when Hanover was ruled by British kings, but each state was a distinct international unit. To achieve such a result, however, it would be necessary both that the governments concerned should aim at this

¹ A. Berriedale Keith, *The Constitution, Administration, and Laws of the Empire* (New York: Henry Holt & Co.; 1924), pages 43-47.

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goal, and that foreign states should recognise the result as reached. Neither of these requisites has been fulfilled in this case, except in the limited and special degree implied in the Covenant of the League of Nations. The Covenant, however, makes no attempt to give its members the full status of units of international law; it contemplates the admission to membership of any fully self-governing colony which can give effective guarantees of its sincere intention to observe its international obligations; it assumes thus that a territory can be a colony, that is not an independent state, be fully self-governing and possess international obligations, which *prima facie* cannot attach at all to a colony as such, seeing that an international obligation normally and properly must be incumbent on an international person and not on a dependency. No light is thus thrown on the real position of the Dominions and India in international law beyond the sphere covered by the Covenant of the League.

The position, accordingly, can best be gauged by references to a case which is unaffected by membership of the League. It has been claimed that the proceedings in connection with the signature of the Peace Treaties of 1919, is conclusive evidence that the Dominions and India enjoy the same international position as the lesser European and American powers, and the claim is supported by the undeniable fact that, at the instance of the British Government, the Peace Conference agreed to permit representation at Plenary Conferences to delegates of the Dominions and India, and that the treaties of peace were signed not only by the British delegates proper, but also by the Dominion and Indian representatives. But the argument is unconvincing. The Dominions and India, though allowed the right of expressing their views separately in respect of their special interests, were still primarily represented by the British delegation which was formally styled the British Empire delegation and on which the Dominions and India were able to secure representation from time to time by the use of the panel system. Similarly the treaties were signed for the British Empire as a whole, though by representatives of different portions and not separately for each part of the Empire. Moreover, it is essential to remember that the representatives of the Crown were all appointed on the formal recommendation of the Imperial Government to the Crown. The various Dominion Governments and the Government of India approved their acting as representatives of these territories and gave them authority so to act, but their international competence was derived not from these powers, but from the formal Full Powers issued to them under the royal sign manual and the counter-signature of the Secretary of State for Foreign Affairs. Not less decisive is the fact that, contemporaneously with the signature of the Peace Treaty of Versailles,

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a tripartite agreement was entered into by the Crown with the United States and France to secure aid to the latter power in the event of aggression from Germany. The treaty was signed only by Mr. D. Lloyd George, and Mr. A. J. Balfour, and by no Dominion or Indian representative, but it expressly provided that "the present Treaty shall impose no obligation upon any of the Dominions of the British Empire unless, and until, it is approved by the Parliament of the Dominion concerned." The conclusion is plain; the signatures of the British representatives were sufficient to bind the whole of the Empire, and it was, therefore, necessary to exempt the Dominions from its operation by expressly providing for their case.

The same doctrine of the continuance of Imperial unity for purposes of international law is clear in the outcome of the negotiations which took place between the Imperial and Canadian Governments in 1919-20 on the question of the diplomatic representation of Canada at Washington. Had Canada attained the status of an international unit, it would have been a matter of course that arrangements should have been made direct between Washington and Ottawa for an exchange of diplomatists. But no such conclusion was drawn from the facts of the negotiation of the peace treaties by either party. The net result of the negotiations as announced in the Imperial House of Commons, by Mr. Bonar Law on May 10, 1920, was agreement that the King "on the advice of his Canadian ministers, shall appoint a Minister Plenipotentiary who will have charge of Canadian affairs, and will be at all times the ordinary channel of communication with the United States Government in matters of purely Canadian concern, acting upon instructions from, and reporting direct to the Canadian Government. In the absence of the Ambassador the Canadian Minister will take charge of the whole Embassy, and of the representation of Imperial as well as Canadian interests. He will be accredited by His Majesty to the President with the necessary powers for the purpose. This new arrangement will not denote any departure either on the part of the British Government, or of the Canadian Government, from the principle of the diplomatic unity of the British Empire." The Minister Plenipotentiary, it will be noted, was to be granted powers by the Crown, in accordance, of course, with the wishes of the Dominion Government, but on the formal recommendation of the Imperial Government through the Secretary of State for Foreign Affairs. He would, therefore, have spoken even on purely Canadian matters not as the mere representative of Canada, but as the representative of the Empire specially selected on grounds of knowledge to deal with a special branch of Imperial interests, and therefore deriving his instructions from the government within the Empire which was immediately concerned. Even so, it has been

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seriously doubted in Canada how far such an appointment is likely to be effective, and, despite the agreement of 1920, the appointment was deliberately left in abeyance both by the then government and its successor, though it was approved by Mr. Mackenzie King's Administration.

Equally suggestive is the procedure adopted at the Washington Conference which culminated in the important agreements regarding limitation of naval armaments and replacing by a broader convention the Anglo-Japanese alliance of 1911. At the Imperial Conference of 1921, agreement was reached that the British Government should represent the whole Empire at Washington. In view, however, of the vital importance of the subjects to be considered at the Conference on disarmament, it was felt to be very desirable that the Dominions should be represented by their Prime Ministers; but this proved impossible, and other nominees attended as representatives of Canada, Australia, New Zealand, and India, South Africa adhering to the original arrangement. The treaties were signed as in the case of the Peace Treaties for the whole Empire, by the British, Dominion, and Indian delegates, the latter signing expressly for the Dominions and India respectively. The delegates were all given full powers by the King, under the counter-signature of the Secretary of State for Foreign Affairs; in the eyes of the other powers and in their own view they formed a single Imperial delegation, representing the whole of the Empire.

The conclusion to be derived is clear; the Empire remains a unit of international law, which can be bound by treaties entered into by any plenipotentiaries duly accredited by the Crown on the advice of the Imperial Government. From the point of view of international law the composition of the delegation, which treats regarding the conclusion of treaties and signs the agreements arrived at, is a matter of indifference; these are purely internal matters, vital from the Imperial point of view, but negligible in International relations. Similarly the ratification of the Peace Treaties, and the Washington agreements has been an act of the Crown on the advice of the Imperial Government; the fact that this advice was tendered only after the Dominion and Indian Governments had concurred and had obtained the approval of their Parliaments is a matter of fundamental constitutional importance; but it lies outside the purview of international law. The Government of the United States issued but a single invitation to the Imperial Government to be represented at the Washington Conference, and explained, with perfect propriety, when complaints appeared in the press regarding the omission of an invitation to the Dominions, that it was impossible for the Government to go beyond the established channels of communication

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though, Dominion representatives among the Imperial delegation, would be made welcome.

Section C. Ireland

Home rule for Ireland became a practical issue in British politics after Parnell had assumed the leadership in the agitation more than a generation ago. Mr. Gladstone as prime minister and leader of the Liberal Party brought forward two Home Rule bills. The first (1886) was rejected by the House of Commons; the second (1893), by the House of Lords. Then followed a period of Conservative ascendancy. It was not till 1914, when the rejuvenated Liberal party had been in power for eight years, that a system of self-government was established by statute. Owing to the determined resistance of Protestant Ulster, however, and the exigencies arising out of the great war, that statute was never put into operation. Its place was taken by the Government of Ireland Act of 1920, of which the substance is given below (*Extract I*). Ulster organised a separate government under the act; its Parliament was opened by King George V on June 22, 1921, when he expressed the hope that "my coming to Ireland to-day may prove to be the first step towards an end of strife among her people, whatever their race or creed."

But in the three remaining provinces ¹ the great mass of the people steadfastly refused to accept the terms. Banded together in an association known as the Sinn Fein, they denied the authority of the British government and proclaimed a Republic. The country drifted

¹ Along with the counties of Donegal, Monaghan, and Cavan which had been included in the old province of Ulster.

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into civil war of a kind that bred the most bitter feelings. This phase closed when, on December 6, 1921, after prolonged negotiations, articles of agreement for a treaty between Great Britain and Ireland were signed (*Extract II*). Ten days later the articles of agreement were approved by the Imperial Parliament (401-58 in the Commons; 166-47 in the Lords); and on January 7 by the Irish Republican legislature the *Dáil Éireann*, the vote being 64 to 57 (*Extract III*). Under the treaty Southern Ireland was conceded the same status in the Empire as Canada and Australia.

A constitution for the Irish Free State was adopted by the Southern Irish Provisional Parliament on October 25, 1922, and given validity by the British Parliament in the Irish Free State Constitution Act of December 5, 1922 (*Extract IV*).¹ Next day the new Dominion came into being by royal proclamation. Mr. Tim Healy was sworn in as Governor General forthwith. On December 7, exercising their powers under Article XII of the treaty, both houses of the Northern Irish Parliament unanimously voted the six counties out of the Irish Free State.

EXTRACT I. THE GOVERNMENT OF IRELAND ACT OF 1920²

[In this abstract certain provisions relating to Southern Ireland are omitted; for under the terms of a treaty between Great Britain and Ireland (*Extract II*) the Provisional Government of that region enacted a constitution (*Extract IV*) which came into force by royal proclamation on December 6, 1922. The Act still stands, however, as the constitution of Northern Ireland. It also opens the way to the establishment of a Parliament for the whole country at some hypothetical period referred to as "the date of Irish Union." In the meantime a "Council of Ireland" may exercise such powers as are delegated to it by the two Parliaments.]

¹ 13 George V, Chapter 1.

² 10 and 11 George V, Chapter 67.

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The Act establishes two Parliaments, the Southern Irish Parliament and the Northern Irish Parliament. Northern Ireland comprises the counties of Antrim, Down, Londonderry, Armagh, Fermanagh, and Tyrone: and the parliamentary boroughs of Belfast and Londonderry. These Parliaments may or may not continue after a united Irish Parliament is formed.

I. The Council of Ireland. The provisions of the Act have been modified by the Consequential Provision Act of December 5, 1922, under which the constitution of the Irish Council is now to be determined by identical acts of the two Irish Parliaments within a period of five years.

The objects of forming the Council are: (a) the eventual establishment of a Parliament for the whole of Ireland; (b) harmonious action between the two Parliaments and Governments; (c) the promotion of mutual intercourse and uniformity in matters affecting the whole of Ireland; (d) the provisions for administration of services which (1) the two Parliaments mutually agree should be administered uniformly through the whole of Ireland, or which (2) are by the Act to be so administered. The Irish Council ceases to exist when a united Irish Parliament has been established.

The duty of the Council will be: (a) to consider what Irish services ought to be administered for Ireland as a whole; (b) to consider what reserved services transferable on passing of identical Acts ought to be transferred; (c) to make recommendations to both Irish Parliaments as to passing such acts. Orders made by the Irish Council after receiving the Royal Assent through the Lord Lieutenant have the effect of an Irish Act. The Council has powers of private bill legislation in certain cases, and its orders thereunder have the effect of Acts of Parliament.

Partition ends when the two Parliaments of Ireland, by identical Acts, substitute for the Council a Parliament for the whole of Ireland. An absolute majority of members of each House of Commons is required at the third reading. Such a Parliament is to consist of two houses. To the Irish Parliament are transferred: (a) the powers of Council of Ireland; (b) "reserved" matters which cease to be reserved at date of the Irish Union, unless the acts otherwise provide; (c) other powers jointly exercised by the Parliaments of Southern and Northern Ireland; (d) all their powers as to taxation exercised by these Parliaments which are not retained under the provisions of the acts.

The date of the establishment of the Irish Parliament is the date of Irish Union.

II. Parliament of Northern Ireland. The Senate shall consist of the Lord Mayor of Belfast, the Mayor of Londonderry, and 24

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senators elected by the members of the House of Commons. One half of the elected senators retire every fourth year. When there are four or more senators to be elected, they shall be chosen under a system of proportional representation.

The House of Commons shall consist of fifty-two members; 32 from the counties, 16 from Belfast, and 4 from the universities. The electoral laws of the United Kingdom apply except that a system of proportional representation is employed in general elections. The maximum duration of any Parliament shall be five years. A minister may speak in both houses, but vote only in the house of which he is a member.

III. Legislation. The Irish Parliaments shall have power to make laws for the peace, order, and good government of their respective areas. Their powers are limited with respect to: (1) matters not Irish; (2) religious freedom; and (3) reserved matters.

(1) They may not make laws respecting (a) The Crown; (b) peace or war; (c) navy, army, air force, territorial force, defence of the realm, service pensions, etc; (d) treaties; (e) dignities or titles of honour; (f) treason, aliens, naturalisation, domicile; (g) foreign trade, except prevention of contagious diseases, agencies for improving trade and preventing fraud, so far as their taxing powers affect trade; bounties, quarantine, merchant shipping; (h) submarine cables; (i) wireless telegraphy; (j) aerial navigation; (k) lighthouses, etc.; (l) coinage, weights and measures; and (m) trade marks, copyrights, patents.

(2) They must not: (a) establish or endow any religion; (b) prohibit or restrict its free exercise; (c) give preference, privilege, or advantage, or impose disability or disadvantage on account of religious belief or status; (d) make any religious belief or religious ceremony a condition of validity of marriage; (e) affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at that school; (f) alter the constitution of a religious body without consent; (g) divert cathedrals; (h) take property, except for public works upon payment of compensation; or (i) take property without compensation.

(3) Certain Irish matters are reserved for three years: Royal Irish Constabulary, Dublin Metropolitan Police, resident magistrates; others, until the date of Irish union or until they have been transferred to the Irish Council: postal savings banks, registration of deeds, etc. Land purchase (with certain exceptions) is reserved until the Parliament of the United Kingdom shall make other provision.

Money bills, which must originate in the House of Commons, shall not be amended by the Senate; if the Senate fail to pass a

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money bill, the matter shall be settled in a joint sitting of the two houses. In the case of other bills, when the opposition of the Senate has continued through two consecutive sessions, a joint sitting may likewise be convened.

Imperial supremacy is unaffected and undiminished by the act. The Irish Parliaments cannot: (a) repeal or alter provisions of the Government of Ireland Act, except as specially provided; or (b) repeal or alter the provisions of any act applying to Ireland which may be passed by the Parliament of the United Kingdom. An Irish act shall be void in so far as it is repugnant to such an act.

IV. The Executive. The original provision for a Lord Lieutenant of Ireland has been modified by the Consequential Provisions Act of 1922 which creates the post of Governor of Northern Ireland.

The Ministers, who form an Executive Committee to advise the Governor, shall be members of the Irish Privy Council and, within six months of appointment, members of Parliament.

V. Irish Representation at Westminster: It was originally provided that Northern Ireland should send thirteen members to the House of Commons of the United Kingdom (eight from the counties, four from Belfast, and one from Belfast University); and that Southern Ireland should send thirty-three. With the erection of the Irish Free State, however, the provision regarding Southern Ireland lapsed.

VI. Constitutional questions shall be decided by the judicial committee of the Privy Council.

VII. There are elaborate provisions with respect to *finance and taxation* which have been modified by the Irish Free State Constitution Act and by the Consequential Provisions Act, both of 1922, and which are too complicated to be given here.

EXTRACT II. ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND¹

Article I.

Ireland shall have the same constitutional status in the community of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland, and an executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

¹ Cmd. 1560 (1920). See also the Second Schedule of the Irish Free State Constitution Act (1922) for the text.

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Article II.

Subject to provisions hereinafter set out, the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

Article III.

The representative of the Crown in Ireland shall be appointed in like manner as the Governor General of Canada and in accordance with the practice observed in making such appointments.

Article IV.

The oath to be taken by members of the Parliament of the Irish Free State shall be in the following form:

"I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to His Majesty King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations."

Article V.

The Irish Free State shall assume liability for the service of the public debt of the United Kingdom as existing at the date hereof and toward the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set-off or counter-claim, the amount of such sums being determined, in default of agreement, by the arbitration of one or more independent persons being citizens of the British Empire.

Article VI.

Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's imperial forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the revenue or the fisheries. The foregoing provisions of this article shall be reviewed at a conference of representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

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Article VII.

The Government of the Irish Free State shall afford to his Majesty's imperial forces (a) in time of peace such harbour and other facilities as are indicated in the annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State, and (b) in time of war or of strained relations with a foreign power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

Article VIII.

With a view to securing observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

Article IX.

The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on the payment of the customary port and other dues.

Article X.

The Government of the Irish Free State agrees to pay fair compensation, on terms not less favorable than those accorded by the Act of 1920, to judges, officials, members of the police forces and other public servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof:

Provided that this agreement shall not apply to members of the auxiliary police force or persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

Article XI.

Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act of 1920 shall, so far as they relate to Northern Ireland, remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for the constituencies in Northern Ireland unless a resolution is passed by both houses of the Parliament of Northern

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Ireland in favor of holding such elections before the end of the said month.

Article XII.

If before the expiration of the said month an address is presented to His Majesty by both houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act of 1920 (including those relating to the Council of Ireland) shall, so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented, a commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland, and one, who shall be Chairman, to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act of 1920 and of this instrument the boundary of Northern Ireland shall be such as may be determined by such commission.

Article XIII.

For the purpose of the last foregoing article the powers of the Parliament of Southern Ireland under the Government of Ireland Act of 1920 to elect members of the Council of Ireland shall, after the Parliament of the Irish Free State is constituted, be exercised by that Parliament.

Article XIV.

After the expiration of the said month, if no such address as mentioned in Article XII hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred upon them by the Government of Ireland Act of 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not the power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed to in the manner hereinafter appearing.

Article XV.

At any time after the date hereof the Government of Northern Ireland and the Provisional Government of Southern Ireland, hereinafter constituted, may meet for the purpose of discussing the provi-

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sions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented, and those provisions may include: (a) Safeguards with regard to patronage in Northern Ireland; (b) safeguards with regard to the collection of revenue in Northern Ireland; (c) safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland; (d) safeguards for minorities in Northern Ireland; (e) settlement of the financial relations between Northern Ireland and the Irish Free State; (f) the establishment and powers of a local militia in Northern Ireland and the relation of the defence forces of the Irish Free State and of Northern Ireland, respectively, and if at any such meeting provisions are agreed to, the same shall have effect as if they were included among the provisions subject to which the powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article XIV hereof.

Article XVI.

Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects state aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

Article XVII.

By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for the constituencies in Southern Ireland since the passing of the Government of Ireland Act of 1920 and for constituting a Provisional Government. And the British Government shall take the steps necessary to transfer to such Provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such Provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

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Article XVIII.

This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and, if approved, it shall be ratified by the necessary legislation.

EXTRACT III. DÁIL EIREANN RATIFIES THE TREATY¹

When the public debate in the Dáil opened, on December 19th, the Speaker (Professor John McNeill) announced that Mr. de Valera wished that a document which he had presented to the secret session should continue to be regarded as confidential, and should not, therefore, be read in public, at any rate, at that stage.

The document referred to embodied Mr. de Valera's alternative proposals consisting in effect of an elaborate amendment of the fundamental clauses of the Treaty. But it seemed that the idea of amendment was abandoned some days previously as not being feasible.

It was argued by Mr. Griffith that the document ought not to be withheld, because it displayed clearly the alternative for which the Irish people were now asked to fight. To this contention Mr. de Valera retorted that he had only put it forward to secure unanimity if possible, and that as the effort had failed it must go entirely by the board.

After some heated discussion, however, the Speaker intervened, and the matter was allowed to drop.

Mr. Griffith proposed approval of the Treaty by the Dáil. He argued that the plenipotentiaries had been sent to London to make a bargain, and that they had made a good one — not an ideal thing, perhaps, but an honourable thing, to which every good Irishman could subscribe. Mr. Griffith proceeded: "This bargain was embodied in a treaty which 95 per cent. of the Irish people thought good enough, and the Irish people were their masters, not, as some seemed to imagine, their servants. An effort has been made outside to represent that a certain number of men here stand uncompromisingly on the rock of the Republic, for the name of the Republic, and for nothing but the Republic. I can tell the world that in the course of the negotiations not once was a demand made for the recognition of the Republic. If that had been made it would have been refused. We went to reconcile two positions, and we suc-

¹ This account of proceedings in the Dáil is taken from the *Liberal Magazine*, Vol. XXIX (January, 1922), pages 742-746; and Vol. XXX (February, 1922), pages 66-71.

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ceeded." Mr. Griffith went on to say that it was on a quibble of words that Ireland was asked to throw away the Treaty and go back to war. "So far as my power extends," he added, "not one young Irishman's life shall be lost for the sake of that quibble." If the Irish people told him they would fight on for the name of a Republic, he would tell them they were fools, though he would follow in the ranks while taking no responsibility. As for the oath, it was one that any Irishman could take with honour. . . .

Mr. de Valera, who opposed the resolution, argued that they had been elected by the Irish people to establish a Republic, and that the Treaty would not end the strife of centuries. The Treaty, he urged, had been signed under duress, and the threat of war would never be respected by the Irish people, and therefore could not bring peace. It was the most ignoble document that could well have been designed, and he would rather see Ireland go in slavery until God blotted out her tyrants. Hanging their heads in shame, the Irish people would regard the provisional Government about to take office as a usurpation equal to that of Dublin Castle, and if King George should at any future time come to Dublin he would see black flags hung out in the streets. Discussing details of the Treaty, Mr. de Valera warned the Dáil that the Treaty would lead straight to a period of internal strife, and concluded by averring that all who voted for the Treaty would be presuming to attempt what no man had a right to attempt — to set bounds to the onward march of a nation.

Mr. Michael Collins, following adverse speeches by Mr. Austin Stack and Count Plunkett, contended that the preliminary correspondence between Mr. Lloyd George and Mr. de Valera made it plain that the London Conference was not held upon the basis of a possible recognition of the Irish Republic. Denying that the delegation had collapsed before the first breath of British bluff, he said: "The British put up a pretty big bluff in Ireland this last few years, and I didn't break down before that." He went on to remind the Dáil that the plenipotentiaries did not go to England to dictate terms to a vanquished foe. They were perfectly well aware that Britain was not vanquished and that she had not been driven out of Ireland. Yet, in spite of that, they had brought back with them those two essentials, security and freedom. . . .

During the Dáil debate reference was made to a form of oath which Mr. Milroy (December 20th) declared was in Mr. de Valera's "Document No. 2." We give the terms of this suggested alternative side by side with the form of oath contained in the Articles of Agreement:

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Mr. de Valera's form

"I ————— do swear to bear true faith and allegiance to the constitution of Ireland and the Treaty of Association of Ireland with the British community of nations and to recognise the King of Great Britain as head of the Associated States."

The Treaty form

"I ————— do solemnly swear true faith and allegiance to the constitution of the Irish Free State as by law established, and that I will be faithful to H. M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations."

Professor John McNeill, the Speaker, confronted Mr. de Valera with the fact that the Republican Oath which he had previously signed was in direct conflict with the new Oath which he was now understood to propose. Mr. de Valera at once intervened with the following statement: "Let me point out that in private session the day before I was to be elected President, I informed the Dáil . . . that they must understand that if I took office as head of the State I would record my oath as simply an oath to do my best for the Irish Nation, and would not be fettered in any action by it."

It is reported that the inconsistency of Mr. de Valera's various attitudes, revealed in this incident, considerably weakened his influence over the Assembly.

A motion that the Dáil should continue to sit until a vote had been taken, strongly supported by Mr. de Valera, was defeated by 77 votes to 44. It was then resolved to adjourn till 11 A.M. on Tuesday, January 3d. . . .

Towards the end of the sitting on January 4th, Mr. de Valera tabled a motion for the following day to the effect that as the Treaty "cannot be the basis of an enduring peace between the Irish and British peoples," other terms of association should be adopted. These alternative terms may be condensed as follows: 1. That the legislative, executive and judicial authority of Ireland shall be derived solely from the people of Ireland. 2. That for purposes of common concern Ireland shall be associated with the States of the British Commonwealth, viz., defence, peace and war, political treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth. Concerted action to be founded on consultation. 3. That for purposes of the association Ireland shall recognise his Britannic Majesty as head of the association.

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4. So far as her resources permit, Ireland shall provide for her own defence by sea, land, and air. She shall not allow her territory to be used for purposes hostile to Great Britain and other associated States. 5. For five years, pending establishment of Irish coastal defence, Ireland shall give harbour and other facilities in peace and in war time that the British Government may reasonably require. After five years a conference on these points to be held by the two Governments. 6. Ireland not to build submarines or maintain a military force out of proportion to her population. 7. Irish and English ports to be open to ships of each country. 8. Ireland to assume liability for her proportion of Britain's debt, set-off by counter-claims. 9. Compensation and pensions to English officials in Ireland as in the Treaty. 10. The Irish Government to preserve religious freedom.

Those proposals did not, however, come up for discussion on January 5th. Instead, Dáil Éireann adjourned until the following day in order that it might sit in private to receive the report of a special committee which had been seeking to discover a road to an agreed settlement.

On January 6th it transpired that the efforts to secure agreement had failed, and when the public proceedings were resumed Mr. de Valera tendered his resignation of the office of President, subsequently declaring, "I am sick and tired of politics, so sick that no matter what happens I am going back to private life." It was intimated by Mr. Collins that he had put his own resignation in the hands of Mr. de Valera to lay before the Dáil, and it had been refused. A motion to suspend the orders of the day was made in order to enable the House to discuss the tendered resignation of Mr. de Valera, but this was eventually withdrawn.

On January 7th, after eight days' debate, the motion by Mr. Arthur Griffith to approve the articles of agreement was put and carried by 64 votes to 57, a majority of 7 in favour.

On January 5th a proclamation was issued to the people of Ireland by Mr. de Valera which contained the following passages: "You are in danger. Influences more deadly to a nation faced by an enemy than a plague in the ranks of its army are at work amongst you . . . If you give way you are undone — all you have gained will be lost, and all the sacrifices you have made will be vain.

"Do not allow yourselves to be rushed into registering inconsiderately a decision which you yourselves will live to deplore, and which the generations to come will curse you for.

"Do not pretend to set the seal of your approval on a settlement that you know cannot be a settlement. Do not for the first time in her history allow Ireland to be put in the wrong as regards England.

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Do not impair the moral foundation of Ireland's fight for her freedom. Do not enter upon a compact which in your hearts you know can never be kept in sincerity and in truth.

"You are being asked to give your consent and approval to a Treaty establishing British authority in Ireland, not as you were asked formerly to work an Act of the British Parliament thrust upon you. You are being asked to bind yourselves with your own hands. Do not forget it. You are asked to give your parole. Refuse, as in honour you must, if you do not mean to keep it.

"Stand fast, fellow citizens, by what you know to be right. Do not allow yourselves to be tempted from the straight and honourable path. If you quail at the consequences, what will they not ask you to surrender next to this ignoble fear?"

[On January 9, Mr. de Valera formally resigned from the presidency. An attempt to secure his reelection was defeated by two votes. Mr. Arthur Griffith was elected to succeed him, after Mr. de Valera and his supporters had withdrawn "as a protest against the election as President of the Irish Republic of the chairman of the delegation, who is bound by the treaty conditions."]

EXTRACT IV. THE IRISH FREE STATE CONSTITUTION

This Constitution, which had been published in draft form before the election of the "Provisional Parliament" of Southern Ireland on June 16, was adopted by that body on October 25, 1922, and given the force of law by the Irish Free State Constitution Act of December 5, 1922, (13 Geo. V. Chapter 1). The text will be found in the first schedule of the Act. Only an abstract can be given here.

The Irish Free State (Saorstát Eireann) "is a co-equal member of the community of nations forming the British Commonwealth of Nations."

I. Private Rights and Immunities. The Constitution guarantees liberty of the person, inviolability of the dwelling of each citizen, freedom of conscience and the free profession and practice of religion, freedom of speech and assembly, freedom of associations, free elementary education, and trial by jury in criminal cases. It prohibits ex post facto legislation. Particularly important to the Protestant minority are the provisions touching religion. "No law may be made either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public

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money without attending the religious instruction at the school, or make any discrimination as respects State aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation."

"The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public morality."

II. Legislative Power. The Legislature (Oireachtas) shall consist of the king and two houses, the Chamber of Deputies (Dáil Éireann) and the Senate (Seanad Éireann). The members shall be paid and may also receive free traveling facilities. They shall take the following oath:

I ————— do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H. M. King George V, his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

As to the suffrage all citizens without distinction of sex may vote, the qualifying age being thirty years in the election of the Senate and twenty-one years in other cases. Both houses shall be elected on the principle of proportional representation.

The membership of the Dáil is limited by the provision that there shall be no less than one member for each 30,000 of the population and no more than one member for each 20,000, in addition to three representatives from each of the universities. The Dáil may be dissolved before the expiration of its four-year term on the advice of the Executive Council (Ministry) unless the Council has lost the confidence of the Dáil. Contrary to the practice in Great Britain and in the other self-governing dominions, therefore, a defeated ministry cannot appeal to the electorate.

The Senate shall consist of sixty members, thirty-five years of age, "who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life." One-fourth of the members shall be elected every three years from a panel of nominees consisting of (1) persons who have at any time served in the Senate; and (2) three times as many persons as there are seats to be filled, two-thirds being

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nominated by the Dáil, one-third by the Senate, in each case by proportional representation.

III. Legislation. No money may be appropriated except on the advice of the ministry. With respect to money bills the Dáil has exclusive power, the Senate merely being allowed three weeks to consider such bills and "recommend" changes. The chairman of the Dáil Éireann may certify a bill to be a money bill, but on demand of two-fifths of the members of either house the question may be reviewed by a Committee of Privileges consisting of three members from each house and a judge of the Supreme Court. With respect to other bills, while the Dáil must consider amendments made by the Senate, its will shall prevail after a period of 270 days or such longer period as the two houses may agree upon. The Governor-General as representative of the Crown may, in accordance with constitutional usage in the Dominion of Canada, withhold the King's consent or reserve a bill for the signification of the King's pleasure; and no bill so reserved shall have any force unless it receives the assent of the King in Council within one year.

The Legislature (Oireachtas) shall provide for a popular Initiative, or, if it fail to do so within two years, such provision may be initiated by petition of 75,000 voters. The Constitution lays down the general features of the Initiative. A proposal must be supported by 50,000 registered voters; if rejected by the Oireachtas, it shall be submitted to the people; if accepted, it shall be subject to the Referendum like ordinary legislation.

Any bill that has passed both houses may be suspended for a period of ninety days on demand of two-fifths of the members of the Dáil or of a majority of the members of the Senate. Such a bill shall be submitted to a Referendum vote if within the ninety days a Senate resolution supported by three-fifths of the members or a popular petition signed by one-twentieth of the voters request it. But "these provisions shall not apply to Money Bills or to such Bills as shall be declared by both Houses to be necessary for the immediate preservation of the public peace, health or safety."

IV. The Executive.

"The Executive Authority of the Irish Free State (Saorstát Éireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice, and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of Canada, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Irish Free State (Saorstát Éireann) to be styled the Executive Council. The Executive Council shall be responsible to the Dáil Éireann, and shall consist of not more than seven nor less than five

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Ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council."

The Ministers who form the Executive Council shall all be members of the Dáil, but they shall have the right to attend and be heard in the Senate. The President of the Council shall be appointed on the nomination of the Dáil; and a Vice-President, nominated by him, shall act in his place during his absence or incapacity. "The Executive Council shall be collectively responsible for all matters concerning the Departments of State administered by Members of the Executive Council. The Executive Council shall meet and act as a collective authority."

The Dáil may appoint other Ministers who shall not be members of the Executive Council; but the total number of Ministers shall not exceed twelve. "Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to Dáil Eireann alone for the administration of the Department or Departments of which he is the head: Provided that should arrangements for Functional or Vocational Councils be made by the Oireachtas these Ministers or any of them may, should the Oireachtas so decide, be members of, and be recommended to Dáil Eireann by such Councils."

"The Representative of the Crown, who shall be styled the Governor-General of the Irish Free State (Saorstát Eireann) shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments."

V. The Judiciary.

The Constitution describes briefly the structure of the courts. "The Supreme Court of the Irish Free State (Saorstát Eireann) shall, with such exceptions (not including cases which involve questions as to the validity of the law) and subject to such regulations as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever: provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave."

The judges shall be appointed on the advice of the Executive Council and they "shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both Dáil Eireann and Seanad Eireann."

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VI. Constitutional Amendments.

"Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the Oireachtas, but no such amendment, passed by both Houses of the Oireachtas, after the expiration of a period of eight years from the date of the coming into operation of this Constitution, shall become a law, unless the same shall, after it has been passed or deemed to have been passed by the said two Houses of the Oireachtas, have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded, shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation and as such shall be subject to the provisions of Article 47 hereof, as to the Referendum."

The Constitution may also be amended by popular initiative.

"The judicial power . . . shall extend to the question of the validity of any law having regard to the provisions of the Constitution."

Section D. The Government of India

Reforms introduced by the Government of India Act of December, 1919, mark a considerable advance towards an ultimate system of autonomy. Ten years earlier, while growing unrest among the educated classes had been met with repressive measures, the princes and people of India had been informed that "the time has come when . . . that principle (of representative institutions) may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship and a greater share in legislation and government. The politic satisfaction of such claims will strengthen, not impair, existing authority and power. Administration will be all the more efficient if the officers who conduct it have greater opportuni-

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ties of regular contact with those whom it affects and with those who influence and reflect common opinion about it." The concessions thus foreshadowed took form in the Indian Councils Act of 1909, mainly inspired by John Morley, the Secretary of State, and Lord Minto, the Viceroy. Henceforth the provincial councils were to include a much larger elective element, and one native was to sit in the Viceroy's Council. The act also gave wider scope to criticism of the provincial executives. Such palliatives did not go far enough to check political disturbances; and the effective aid which India rendered during the war suggested the propriety of still further concessions which a formidable agitation practically extorted. E. S. Montagu, shortly after his appointment as Secretary of State in August, 1917, made an important announcement in the House of Commons.

"The policy of His Majesty's Government," he said, "with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters

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with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

“I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

“Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament.”

Mr. Montagu visited India in the winter and, in conjunction with the Viceroy, Lord Chelmsford, made a careful and prolonged study of the situation. In July, 1918, the Montagu-Chelmsford *Report on Indian Constitutional Reforms* appeared (Cd. 9109). Two further reports were published: one by a committee which considered the distribution of powers between the central and provincial governments; the other by a committee which recommended for the franchise residential and property qualifications which would expand the electorate from 33,007 voters to about 5,179,000 or 2.34 per cent of the population in the eight provinces. On the basis of these reports the government of India bill was drafted. It passed both houses of Parliament without substantial modification.

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EXTRACT I. THE MONTAGU-CHELMSFORD REPORT¹

How far then are the authors of this Report justified in characterising the declaration of the 20th of August, 1917, as pledging the British Government to the adoption of 'a new policy'? The claim, as explained and limited in the most interesting account of the whole history of the question which the Report contains, seems to me to be justified by two facts. The first is that, though individual officers have had some such idea before them, this is the first clear declaration on the part of the British Government that responsible government in India is its aim. The second fact is, that the scheme outlined in this Report proposes immediately to give responsibility to the people's representatives in respect of certain departments of government, and to provide suitable machinery for systematic progress in the devolution of responsibility. Even the Morley-Minto reforms gave the non-official representatives of certain sections of the people only the right of obtaining explanations of policy by asking questions in Council and of making such criticism as they saw fit: a valuable right, no doubt, both to the Government, as making known certain phases of public opinion, and to the people as compelling the Government to consider and to explain measures in light of that public opinion. But it was a right of criticism merely. It involved no sense of responsibility in those who exercised it. Irresponsible criticism is a poor means of political education, and is fraught with no little danger. This is the point of departure for the 'new policy' of this Report. To this extent, and in this respect, the policy is new; but the Report shows, in no ungenerous manner, that it is the inevitable outcome of the principles and practice of British Rule in India for generations.

This new policy deals with the Provinces first of all. The Report has a great deal to say which is of first-rate importance about the relations between the Secretary of State and Parliament on the one hand and India on the other, and between the Viceroy and the Secretary of State on the one hand and the Provincial Governments on the other. I cannot recall any document which explains these relations more clearly. The explanation is necessary for this among other reasons, that the British public and the Indian peoples alike may understand the grave responsibility that rests on the British Parliament for the proper government of India, and how that responsibility may best be met. The final responsibility of the Parliament exercised through the Secretary of State and the Viceroy (in Council) is not to be touched during the period of training and

¹ "The Future of India: Montagu-Chelmsford Report," by A. H. L. Fraser, *Nineteenth Century*, Vol. LXXXIV (October, 1918), pages 776-780.

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transition in respect of self-government in the provinces. Measures are, however, proposed for the more effective discharge of that responsibility in each case, and for such devolution of authority to the provinces as may prove necessary for the working out of the proposals. These measures need not be discussed at present. They commend themselves generally to me, as likely to contribute to the more effective conduct of Indian affairs and to the more intelligent interest in them in Parliament. The important feature of this part of the proposals is that the Government of India is to remain responsible to Parliament alone (through the Secretary of State), until it is seen how responsible institutions are growing, and how the experiment in self-government in the provinces is succeeding.

"The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken." This is the sphere of operation of the scheme as immediately proposed by its authors, who also express the aim of their operations with perfect clearness.

We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions.

There are, in this connexion, four main characteristics of the proposals: (1) That the part played by the popular element in the Councils shall not be confined to mere criticism of the administration, but shall be characterised by some measure of responsibility; (2) that the vital parts of the administration shall not be disturbed, nor the control of experienced rulers impaired in respect of them, during the confessedly experimental and educational stage of self-government; (3) that as the sense of responsibility develops, and the capacity for administration grows, more and more power shall be given to the people's representatives; and (4) that the progress made towards the complete realisation of the policy now distinctly announced, and the results of the measures adopted, shall be systematically examined by periodic Commissions deriving their authority from Parliament itself. These are the points that make the scheme specially attractive. It substitutes responsibility for mere right to criticise; it gives real power to the popular element in the Councils, without endangering in the experiment the vital parts of the administration; and it provides that that which is recognised as the ultimate aim shall be steadfastly held before the Government and the people, and that progress shall be systematic. In all this we have a distinct advance on anything that went before. What went before may have — and undoubtedly has — prepared the way for this: it has also

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constituted the necessity for some such development of policy as is now proposed. I welcome this sane but plucky effort to deal with that necessity.

The first important step to be taken in the development of this policy is the demarcation of the sphere of business to be made over to the control of the popular element in the government of a Province. The Report therefore proceeds to provide for the division of the departments of provincial administration into two classes, *viz.* 'the reserved subjects' and 'the transferred subjects.' The former are those which, during a longer or shorter part of the period of experiment, training and transition, must, in the vital interest of administration, remain under the control of the British Parliament to be exercised through the Secretary of State and the Viceroy and Governors in India. These are Departments such as those primarily concerned with the maintenance of law and order or with matters vitally affecting the interests of the masses not yet adequately represented. The 'transferred subjects' are those which are to be immediately — and from time to time in future — made over to the control of the popular element in the Government. In these it is proposed to include those departments which afford most opportunity for local knowledge and social service, those in which Indians have already shown keen and intelligent interest, those in which mistakes are not irremediable or disastrous, and those which specially stand in need of development by the people. Clearly this demarcation of the sphere of business cannot at present be the same for all provinces. It is therefore proposed that a Special Committee should be at once appointed to go round all the provinces of India and, 'after discussion with the Government and people of each province,' draw up lists of transferred subjects suitable to the present special conditions in each case. As the sense of responsibility and the capacity for government grow, other departments will be added to these lists. This is one of the Committees the appointment of which Lord Curzon announced.

As to the administration of these 'transferred subjects' it is provided that the Executive Government of a Province shall, for the present, be a composite body. One element in it will be the Governor and an Executive Council of two members: these two members will be a European of long official experience and a selected Indian. The Governor in Council will have charge of 'reserved subjects.' The other element in the Government would consist of the Governor and one or more members (according to the number and importance of the subjects not reserved), chosen by the Governor from the elected members of the Legislative Council. These would be known as 'ministers,' and would be members of the Executive Government but not of the Executive Council. While decisions on 'reserved sub-

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jects,' and on the Provincial Budget supply for them, would rest with the Governor and his Executive Council, decisions on 'transferred subjects,' and the supply for them, would rest with the Governor and the Ministers.

Now comes the question of legislation. First as regards reserved subjects, the Governor shall have power to certify that a Bill is 'essential to the discharge of his responsibility for the peace or tranquillity of the province, or of any part thereof, or for the discharge of his responsibility for the reserved subjects.' This Bill shall then be read, and its general principles discussed, in the full Legislative Council, which may by a majority ask that the Governor's certificate be referred for confirmation to the Government of India. Unless the certificate is set aside the Bill will be automatically referred to a Grand Committee of the Council. This Grand Committee would be chosen for each Bill, partly by ballot and partly by nomination, the Governor nominating a bare majority. The Bill as passed by the Grand Committee would be reported to the whole Council, where it might be discussed, but not modified except on the motion of the Executive Council. The Government would have the advantage of full discussion in the Council; but the decision would remain with the Government and the Grand Committee. Legislation on transferred subjects or on non-certificated Bills would be by the whole Council. On its introduction such a Bill might be challenged by a Member of the Executive Council as impinging on the reserved sphere. It would then be referred to the Governor, who might certify as above. If not, it would be disposed of by the whole Council. Of course, the assent of the Governor, the Governor-General and the Crown will remain necessary for Provincial Legislation.

It is clear that such a scheme as this demands very considerable enlargement of the Provincial Councils, so as to have anything like effective representation. The franchise also requires very serious attention. If an autocratic Government calls in a few men to advise it, the method of selection is comparatively unimportant. But if we are aiming at having a popular element in the Government, we must have as fair representation as possible of the people generally. The system that would secure fair representation in one province might not secure it in another. In some provinces, and even in some districts of the same province, education and enlightenment have gone further than in others; and the franchise might well be much wider. In some provinces, a certain element of communal representation might be necessary at least for a time: in others, it might be only mischievous. This condition of things requires an electoral survey of the whole country. The authors of this Report propose that this work should be undertaken by a special Committee to be appointed

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for the purpose as soon as possible. This is the other of the two committees, the appointment of which was announced by Lord Curzon. It is clear that, until these Committees have reported, the scheme is incomplete; and judgment must be so far suspended. At the same time, we have enough before us to justify our giving the general policy our cordial support and earnest commendation.

EXTRACT II. THE FRANCHISES AND DISTRIBUTION OF POWERS ¹

The reports of the two Committees which sat in India from early in November to the end of February last to fill out the framework of the Montagu-Chelmsford Report published last July were issued last night.

The Franchise Committee, of which Lord Southborough was chairman, recommend a scheme of territorial constituencies, urban and rural, the latter based on the existing land revenue districts, together with communal representation for Mohammedans and Sikhs (as contemplated in the original scheme) and for Indian Christians, Europeans, and Anglo-Indians; and the representation of special interests, including commerce and industry.

The other Committee, of which Mr. R. Feetham was chairman, make detailed recommendations as to the division of functions between the Government of India and the provincial Government, and also between "reserved" and "transferred" subjects in the provinces. Proposals are made for the modification in some important respects (notably in the powers conferred on the Governor) of the "diarchial" system in the provinces set forth in what is conveniently called the "Joint Report."

The general proposals for the franchise are based upon the principle of residence and the possession of certain property qualifications. In addition the enfranchisement of all retired and pensioned officers of the Indian Army, whether of commissioned or non-commissioned rank, is recommended. This step was universally and strongly recommended in the Punjab, and it is to extend to all provinces. The property qualification is adapted to local conditions and is guided by the principle that the franchise should be as broad as possible, consistently with the avoidance of any such inordinate extension as might lead to a breakdown of the machinery of election through weight of numbers. The large proportion of illiterate voters, in the absence of a literary test, may cause difficulty, but it has already been faced successfully in municipal elections in India by the use of coloured ballot-boxes and other like devices.

No rigid uniformity of property qualification has been sought, but

¹ *London Times*, May 13, 1919.

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the committee have proposed the same qualification for all communities within the same area. A substantially higher proportion of the urban than of the rural population will be enfranchised. At present the total number of electors for the provincial councils is 33,007, and of these no fewer than 17,448 are Mohammedans, since that community enjoys direct representation on an individual basis. The number of voters will be raised under the scheme to 5,179,000, being 2.34 per cent of the total population in the eight provinces, which is nearly 220,000,000.

The long established administrative unit of the "district" is made the territorial area for constituencies, but the relatively few cities with large populations are to be separately represented. Occasionally towns are grouped into separate urban constituencies. Single-member constituencies are the general rule, but latitude is left to the local Governments. Plural voting is to be forbidden, but this does not apply to electors in constituencies formed for the representation of special interests.

In conformity with the recognition of the Joint Report that separate Mohammedan representation cannot be abandoned, the scheme provides for Mohammedan constituencies. The compact of the joint session of the National Congress and the Moslem League at Lucknow in December, 1916, is accepted as a guide in allocating the proportion of Mohammedan seats. In the Punjab this facility is to be extended to the Sikhs. Beyond this the framers of the Joint Report did not propose to go; but Lord Southborough's Committee recommend separate electorates, where the numbers justify that course, for Indian Christians, Europeans, and the domiciled "Anglo-Indians" — i.e., country-born Europeans and Eurasians. It is observed that candidates belonging to these communities would have no chance of being elected by general constituencies. The hope is expressed that it will be possible "at no very distant date to merge all communities into one general electorate." . . .

The separate representation of zamindars and landholders granted under the Morley-Minto scheme is extended and provision made for university seats. The election by accredited bodies of representatives of commerce and industry is also continued and amplified. There is to be nomination for the representation of the "depressed classes," for in no case was it found possible to provide an electorate on any satisfactory system of franchise. Labour is to be represented by nomination where the industrial conditions seem likely to give rise to labour problems.

The size of the Provincial Legislatures will vary from 53 in Assam to 125 in Bengal. The eight Councils will comprise 796 members made up as follows:—Elected by general constituencies, 308;

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by communities, 185; by landholders, 35; by universities, 8; by commercial, industrial, and planting interests, 45. The nominated representatives will number 47, and the officials, 128.

For the Indian Legislative Assembly, the Committee propose 80 elected members, instead of the 68 suggested in the Joint Report. Fourteen representatives appointed by nomination and 26 officials (including seven *ex-officio* members) will bring up the total, exclusive of the Governor-General, to 120, as compared with 68 at present. A statement of the manifold difficulties in the way of direct election for this All-India body leads to the conclusion that there must be indirect election for all general and communal seats by the members of the Provincial Legislatures. "We trust that, in progress of time, a growing sense of political organisation will enable indirect election to be superseded by some direct method."

A scheme for the creation of the "Council of State" on the lines of the Joint Report is set forth, on the basis of election thereto by non-official members of the Provincial Councils. There would be 24 elected and 32 *ex-officio* or nominated members, exclusive of the Governor-General. The electors should be left free to choose any person qualified to be a member of a Provincial Legislature.

The Division of Functions

The first duty of Mr. Feetham's Committee was to consider what were the services to be appropriated to the provinces, all others remaining with the Government of India. The Committee proceeded on the basis that there is to be no such statutory demarcation of powers as to leave the validity of Acts passed to be challenged in the Courts. In other words, no alteration is proposed in the system under which the All-India Legislature as regards British India, and each of the Provincial Legislatures as regards its own province, have in theory concurrent jurisdiction over the whole legislative field.

In framing the lists the Committee have treated as All-India subjects certain large general heads, such, for instance, as commerce and laws regarding property, but have taken out of these and allotted to the provinces important sections — e.g., in the case of the first Excise, and in the case of the second laws regarding land tenure. Any matter included in the provincial list is to be deemed to be excluded from any All-India subject of which otherwise it would form part. Subjects not expressly included in either list are regarded as All-India subjects, but the Governor-General in Council may add to the provincial list "matters of merely local or private interest within the province." It is claimed that the scheme has been devised on such a basis as to leave the way open for the process of development.

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The list of subjects to be transferred to Indian Ministers is on the whole more extensive than the suggested list attached to the Joint Report. With certain reservations University education is to be transferred, as well as primary, secondary, and technical, on the ground that the educational system must be regarded as an organic whole. But European and Anglo-Indian education, which is organized on a separate basis is excluded from the transfer.

The division of the functions of the Provincial Government, popularly known as diarchy, has been criticised as likely to lead to friction, and sometimes to deadlock. To mitigate these difficulties, the Committee propose important changes in the relations of the Governor with both sections of the Government. It is to be the duty of the Governor in Council in the case of reserved departments, and of the Governor and Ministers in the case of transferred departments, to take care that the administration is so conducted as not to prejudice or occasion undue interference with the working of any department falling in the other category. The Governor has to decide whether a particular matter falls within the scope of a reserved or a transferred department, and to take care that any order given by the Governor-General in Council is complied with by the Department concerned.

In the case of disagreement between the Executive Council and Ministers as to action which appears to the Governor to affect both a reserved and a transferred department, the Governor is to give such decision as the interests of good government may seem to require, provided that, in so far as circumstances admit, before such decision is given the matter should be considered by both sections of the Government sitting together. If the Minister remains obdurate, it will be for the Governor to dismiss and find another Minister.

If, owing to a vacancy, there is no Minister in charge of a transferred department, the Governor will certify that such emergency exists and that immediate action is necessary. On such certificate being given, the Governor in Council will have authority to take action, subject to the obligation of reporting to the Governor-General in Council. In other words there will be re-entry for a temporary and limited purpose during an interregnum. This is a considerable departure from the proposal of the Joint Report that Ministers shall hold office for the lifetime of the Legislative Council. The power of the Governor to dismiss a Minister, says the report, "seems essential if deadlocks are to be avoided." The over-ruling of a minister will depend in the last resort on the Governor's personal judgment of the situation.

The Committee felt themselves precluded from considering any modification of the proposals of the Joint Report for the separation

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of the finances of the Government of India and of Provincial Governments. No opinion is expressed on memoranda received at a late stage from Sir James Meston making proposals for substantial departure from the plan of dealing with provincial finance set forth in the Joint Report.

It may be recalled that Mr. Montagu and Lord Chelmsford proposed that, if the residue of the provincial revenues is not sufficient, it should be open to Ministers to suggest fresh taxation. The Committee take the view that when any new provincial tax or any proposed addition to an existing tax requires legislation to give effect to it, the decision whether that legislation should be undertaken must rest with the Governor and Ministers. Since the whole balance of the revenues of the province will be at the disposal of the Ministers for the administration of the transferred departments, the Committee consider that when an existing tax cannot be reduced or remitted without legislation, the decision whether legislation should be undertaken must also rest with the Governor and Ministers. To that extent taxation for provincial purposes should be regarded as a transferred subject.

The assessment or collection of the tax would be reserved or transferred, according as the agency employed belonged to a reserved or to a transferred department. The view is also taken that, when alterations in taxation can be effected without any change in the law, the decision whether any alteration should in fact be made must be recognized as resting with the Governor in Council if the department is reserved, and with the Governor and Ministers if it is transferred.

In respect to the powers of borrowing on the sole credit of provincial revenues which are to be conferred, the Committee propose that, if after joint deliberation there is a difference of opinion between the Executive Council and the Ministers, the final decision whether a loan should be raised and as to the amount of the loan must rest with the Governor.

Detailed proposals are made in relation to the public services, to be classified as Indian (All-India), provincial and subordinate. No service is to be included in the first of these categories without the sanction of the Secretary of State, while the demarcation between the provincial and subordinate services is to be left to the provincial Government.

General approval is given to a scheme prepared by the Government of India providing that legislation should be undertaken in Parliament to declare the tenure and provide for the classification of the public service. It should secure the pensions of the All-India services, and should empower the Secretary of State to make rules for their conduct and rights and liabilities, and to fix their pay and

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regulate their allowances. Similar legislation should be passed by the Government of India in respect to the provincial services, and to empower the provincial Governments to make rules for the subordinate services. The Committee does not express any opinion on the proposal of the Government of India to set up a statutory Public Service Commission on lines somewhat wider than those of the Civil Commission in Great Britain.

Among the clauses suggested for insertion in the instructions for each provincial Governor is one enjoining him to "protect all members of the public services in the legitimate exercise of their functions and enjoyment of all recognized rights and privileges."

The instructions are to charge him with the duty of safeguarding the legitimate interests of the Anglo-Indian or domiciled community, and "to take care that no change in educational policy, affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies, is adopted without due consideration." The Governor is also to be instructed that he "shall not sanction the grant of monopolies or special privileges to private undertakings which are inconsistent with the public interest, nor shall he permit any unfair discrimination in matters affecting commercial or industrial interests."

EXTRACT III. THE GOVERNMENT OF INDIA ACT OF 1919¹

What are the main features of the constitution which is to take the place in India of the old and outworn system of absolute government? In each of the eight major provinces (other than Burma) the administration will henceforth be of a dual character. Certain subjects, described in the Act as "reserved" subjects, will continue under the control of the Governor and an Executive Council of two, of whom one will be an Indian. All other subjects stand "transferred" to Ministers, who will be chosen from the elected members of the Legislative Council, and will enjoy the same status and salary as the executive councillors, unless the legislature decides to remunerate them at a lower rate. They must possess the confidence of the majority of the legislature and will be responsible to that body. A Minister will have the option of resigning if his advice is not accepted by the Governor; and the Governor will be invested with the ordinary constitutional right of dismissing a Minister. In the last resort a dissolution can always be ordered; but in such an event it will be incumbent upon the Governor to accept the views which his new Ministers may press upon him regarding the question at issue.

¹ H. E. A. Cotton, "Constitution-Making for India: A Great Achievement," *Contemporary Review*, Vol. CXVII (January, 1920), pages 64-67.

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It will be the duty of the Governor to endeavour to hold an even balance between the two branches of the administration, and to encourage joint deliberation, while ensuring that each side shall shoulder its own responsibility for the matters of government entrusted to it. Among the transferred subjects are local government, education, public health and medical administration, agriculture, industrial development, and (except in Assam) public works and excise.

The number of members of the legislature vary in each province. In all cases, however, at least seventy per cent. are to be elected, mainly on a territorial basis, but with certain elements of communal representation and reservation of seats. Not more than one-fifth of the total number may be officials. Each assembly will be provided with a non-official president who, in the first instance, will be appointed by the Governor for a period of four years, but will thereafter be elected by the members. The Budget will be submitted to the vote of the legislature; but power is given to the Governor to restore any provision for a reserved subject which may be reduced or rejected.

As regards finance, the proposal in the Montagu-Chelmsford Report, which was supported by Indian opinion, was that there should be a single pool into which the whole of the revenues of the province should be poured, and that from that pool every year, at the time of the preparation of the Budget, the Government, by arrangements among themselves, should draw the funds required for carrying on the work of the coming year. The Government of India recommended, instead, that there should be a distinct demarcation, and that each half of the administration should be given unfettered control over the revenues from its own departments. This suggestion has not found favour. There will be no ear-marking of sources of revenue either to reserved or to transferred subjects; but the Governor is empowered, in the event of any protracted disagreement between Ministers and Executive Councillors, to allocate a definite proportion of the revenues and balances to each branch.

Under existing conditions, the franchise is exercised by about 33,000 persons. The vote is now given to 5,179,000 males over the age of twenty, out of a total population under that head of 60,182,000, and this number will be largely augmented if the legislatures, or some of them, resolve, as they may, to enfranchise women upon the same qualifications as men in their respective provinces. Some complaint has been made of the smallness of the electorate as compared with the total population; but the solid fact remains that the number of voters has been increased seventeen-fold. The claim for separate representation which has been put forward with much ve-

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hence by certain non-Brahmans in the Madras Presidency, and also by the Malirattas in the Deccan, is left for settlement by them with the Brahmans and, ultimately, if need be, by an arbitrator to be appointed by the Government of India. Subject to the admission of women to the franchise, the electorate will continue unaltered for a period of ten years.

"Diarchy," or the composite form of government, is not extended to the central administration; but other changes of value have been effected. In addition to the legislative assembly, there will be a revising second chamber in the shape of a Council of State. Both will contain a substantial elected majority, and although the same arrangement of constituencies is not possible for each of them, the members in both instances will be returned by a direct vote. The Budget will be submitted and voted upon, under the same conditions as those which are applied to the provincial legislatures; and the president of the Indian legislative assembly will be appointed, as in their case, for the first period of four years, and thereafter be elected. Three seats on the Viceroy's Executive Council are reserved by statute for members of the Civil Service; but three will always be Indians, and there will also be a Law Member with professional experience.

The plan of grand committees by which legislation was to be forced through with the aid of an official *bloc*, has been discarded; and the governor-general and provincial governors are empowered, instead, to pass an Act upon their own responsibility, if such a step is deemed to be necessary for the proper fulfilment of their duty to Parliament. But whenever recourse is had to such action, the matter will be reported to the Standing Committee of both Houses at Westminster, which is to be constituted upon an advisory and consultative basis.

The Secretary of State's Council will continue in being, but its maximum and minimum strength are reduced to twelve and eight, the tenure of office has been cut down from seven to five years, provision has been made for a larger proportion of Indian members, and the system of allotting portfolios will be introduced. The salary of the Secretary of State will henceforth be paid out of moneys provided by Parliament, and a High Commissioner in London will supervise the agency business of the Government of India.

An important pronouncement upon the subject of fiscal autonomy is made in the report of the Joint Committee.¹ "Whatever be the

¹ The bill was referred, in July, 1919, to a Joint Committee of both houses; and the recommendations of that Committee were accepted in their entirety by the cabinet.

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right fiscal policy for India for the needs of her consumers as well as for her manufacturers," they write, "it is quite clear that she should have the same liberty to consider her interests" as Great Britain and the Dominions overseas; and this liberty, they hold, should be afforded whenever the Government of India and its legislature are in agreement. Exciting times are evidently in store for Lancashire.

Not less significant is the expression of opinion which has also been placed upon record in the report, that only in exceptional circumstances should the Secretary of State intervene in matters of purely Indian interest where the Government of India and its legislature are of one mind; and, further, that in so far as reserved subjects are concerned, the relations of the Secretary of State and the Government of India with provincial administrations shall be regulated on similar principles. Control over transferred subjects will at the same time be restricted within the narrowest possible limits, which will be defined by rules to be made under the Act. The fullest measure of provincial independence is thereby postulated. These and other suggestions were submitted to the Joint Committee by the "moderate" delegates, and it is noteworthy that effect has been given, in one form or another, to almost all of them.

Many provisions which have just been outlined find no place in the Act itself, but will be embodied in rules which will be laid before Parliament, after they have been approved by the Joint Committee. The reason for this is that the constitution granted to India is confessedly transitional. Upon the expiration of ten years, a statutory commission will be appointed for the purpose of examining the working of the scheme in the various provinces as well as in the Government of India, and to advise whether a further advance along the road to self-government may be undertaken.

Section E. Egypt

Forty years ago, during the Arabi rebellion, Great Britain intervened to restore order in Egypt; and the military occupation, which was then intended to be temporary, has continued down to the present time. Great Britain remained in Egypt, but until 1914 did nothing to legalize her "special position" or to override the theory that Egypt was an autonomous nationality under the suzerainty of the Turkish Sultan. The British representative, though dictator in everything

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but name, bore simply the title of Agent and Consul General; he gave "advice," not commands, to the Khedive and his ministers. This anomalous situation was brought to an end in 1914 when Turkey made common cause with the Central Powers. On December 18 Egypt became a British protectorate, the Khedive being known henceforward as Sultan. Informal assurances were given, however, that at the close of the war efforts would be made to satisfy national aspirations.

After the armistice of November, 1918, the prime minister and the nationalist leader, Zaghlul Pasha, wished to visit London and discuss the future status of their country, which, they believed, would be considered by the peace conference. The refusal of their request inflamed popular feeling. In March, when Zaghlul was deported to Malta, formidable disturbances occurred throughout the country; there were rioting, pillaging, and murder of British soldiers. In view of these circumstances a special mission headed by Lord Milner was despatched to Egypt towards the end of 1919 for the purpose of inquiring into the causes of unrest and suggesting the basis of a settlement. Significant passages from the Milner report are given in *Extract I*. To neither side were the recommendations made in that report entirely acceptable. In the autumn of 1921 conferences between the British Foreign Secretary and the Egyptian premier, Adly Pasha, revealed disagreement on fundamental points; and the proposed terms for a treaty were rejected by Adly Pasha on November 15 (*Extract II*). In the following months, however, Lord Allenby, the British High Commissioner in Egypt, persistently urged upon the govern-

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ment a solution of his own. "I quite appreciate," he wrote,¹ "that the action I advocate would oblige his Majesty's Government to terminate the protectorate by a unilateral declaration on their part. . . . No Egyptian, no matter what his personal opinions may be, can sign any instrument which in his view is incompatible with complete independence. Consequently, it is necessary to abandon definitely the idea that the Egyptian question can be settled by means of a treaty." On January 28, 1922, Allenby was called to London. As a result of his conversations with the Prime Minister the government terminated the protectorate and declared Egypt an independent sovereign state (*Extract III*). On March 15 that independence was proclaimed at Cairo, and the Sultan assumed the title of King of Egypt. It should be observed, however, that certain questions of vital concern to both countries are left to future adjustment.

EXTRACT I. THE MILNER REPORT²

[The special mission reached Egypt in December, 1919. Their investigations covered a period of three months. "We gradually came to the conclusion," says the Report,³ "that no settlement could be satisfactory which was simply imposed by Great Britain on Egypt, but that it would be wiser to seek a solution by means of a bilateral agreement — a treaty — between the two countries. In no other way did it appear possible to release Egypt from the tutelage to which Egyptians so vehemently object without endangering any of the vital interests which we are bound to safeguard." For the safety of imperial communications Great Britain must have the right to maintain a military force on Egyptian soil; for the protection of all legitimate

¹ The correspondence between Lord Allenby and Lord Curzon, the Foreign Secretary, appears in the White Paper Cmd. 1592. An abstract is given in the *London Times* of March 1, 1922.

² Report of the Special Mission to Egypt (Cmd. 1131), 1921, pages 24-31, 37-59.

³ Page 19.

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foreign interests she must have some control over Egyptian measures affecting foreigners. It was not till August 18, 1920, after the mission had returned to England and there conferred with the national leader, Zaghlul Pasha, that proposed terms for such a treaty were formulated in the memorandum which appears below.]

Memorandum

1. — In order to establish the independence of Egypt on a secure and lasting basis, it is necessary that the relations between Great Britain and Egypt should be precisely defined, and the privileges and immunities now enjoyed in Egypt by the capitulatory Powers should be modified and rendered less injurious to the interests of the country.

2. — These ends cannot be achieved without further negotiations between accredited representatives of the British and Egyptian Governments respectively in the one case, and between the British Government and the Governments of the capitulatory Powers in the other case. Such negotiations will be directed to arriving at definite agreement on the following lines:

3. — (i) As between Egypt and Great Britain a Treaty will be entered into, under which Great Britain will recognize the independence of Egypt as a constitutional monarchy, with representative institutions, and Egypt will confer upon Great Britain such rights as are necessary to safeguard her special interests, and to enable her to furnish the guarantees which must be given to foreign Powers to secure the relinquishment of their capitulatory rights.

(ii) By the same Treaty an alliance will be concluded between Great Britain and Egypt, by which Great Britain will undertake to support Egypt in defending the integrity of her territory, and Egypt will undertake, in case of war, even when the integrity of Egypt is not affected, to render to Great Britain all the assistance in her power within her own borders, including the use of her harbours, aerodromes and means of communication for military purposes.

4. — This Treaty will embody stipulations to the following effect:

(i) Egypt will enjoy the right to representation in foreign countries. In the absence of any duly-accredited Egyptian representative, the Egyptian Government will confide its interests to the care of the British representative, Egypt will undertake not to adopt in foreign countries an attitude which is inconsistent with the alliance or will create difficulties for Great Britain, and will also undertake not to enter into any agreement with a foreign Power which is prejudicial to British interests.

(ii) Egypt will confer on Great Britain the right to maintain a military force on Egyptian soil for the protection of her Imperial

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communications. The Treaty will fix the place where the force shall be quartered, and will regulate any subsidiary matters which require to be arranged. The presence of this force shall not constitute in any manner a military occupation of the country, or prejudice the rights of the Government of Egypt.

(iii) Egypt will appoint, in concurrence with his Majesty's Government, a Financial Adviser, to whom shall be entrusted in due course the powers at present exercised by the Commissioners of the Debt, and who will be at the disposal of the Egyptian Government for all other matters on which they may desire to consult him.

(iv) Egypt will appoint, in concurrence with his Majesty's Government, an official in the Ministry of Justice, who shall enjoy the right of access to the Minister. He shall be kept fully informed on all matters connected with the administration of the law as affecting foreigners, and will also be at the disposal of the Egyptian Government for consultation on any matter connected with the efficient maintenance of law and order.

(v) In view of the contemplated transfer to his Majesty's Government of the rights hitherto exercised under the régime of the Capitulations by the various foreign Governments, Egypt recognises the right of Great Britain to intervene, through her representative in Egypt, to prevent the application to foreigners of any Egyptian law now requiring foreign consent, and Great Britain on her side undertakes not to exercise this right except in the case of laws operating inequitably against foreigners.

Alternative:

In view of the contemplated transfer to his Majesty's Government of the rights hitherto exercised under the régime of the Capitulations by the various foreign Governments, Egypt recognises the right of Great Britain to intervene, through her representative in Egypt, to prevent the application to foreigners of any Egyptian law now requiring foreign consent, and Great Britain on her side undertakes not to exercise this right except in the case of laws inequitably discriminating against foreigners in the matter of taxation, or inconsistent with the principles of legislation common to all the capitulatory Powers.

(vi) On account of the special relations between Great Britain and Egypt created by the Alliance, the British representative will be accorded an exceptional position in Egypt and will be entitled to precedence over all other representatives.

(vii) The engagements of British and other foreign officers and administrative officials who entered into the service of the Egyptian Government before the coming into force of the Treaty, may be terminated, at the instance of either the officials themselves or

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the Egyptian Government, at any time within two years after the coming into force of the Treaty. The pension or compensation to be accorded to officials retiring under this provision, in addition to that provided by the existing law, shall be determined by the Treaty. In cases where no advantage is taken of this arrangement, existing terms of service will remain unaffected.

5. — This Treaty will be submitted to the approval of a Constituent Assembly, but it will not come into force until after the agreements with foreign Powers for the closing of their Consular Courts and the decrees for the reorganisation of the Mixed Tribunals have come into operation.

6. — This Constituent Assembly will also be charged with the duty of framing a new Organic Statute, in accordance with the provisions of which the Government of Egypt will in future be conducted. This Statute will embody provisions for the Ministers being responsible to the Legislature. It will also provide for religious toleration for all persons and for the due protection of the rights of foreigners.

7. — The necessary modifications in the régime of the Capitulations will be secured by agreements to be concluded by Great Britain with the various capitulatory Powers. These agreements will provide for the closing of the foreign Consular Courts, so as to render possible the reorganisation and extension of the jurisdiction of the Mixed Tribunals and the application to all foreigners in Egypt of the legislation (including legislation imposing taxation) enacted by the Egyptian Legislature.

8. — These agreements will provide for the transfer to his Majesty's Government of the rights previously exercised under the régime of the Capitulations by the various foreign Governments. They will also contain stipulations to the following effect:

(a) No attempt will be made to discriminate against the nationals of a Power which agrees to close its Consular Courts, and such nationals shall enjoy in Egypt the same treatment as British subjects.

(b) The Egyptian Nationality Law will be founded on the *jus sanguinis*, so that the children born in Egypt of a foreigner will enjoy the nationality of their father and will not be claimed as Egyptian subjects.

(c) Consular officers of the foreign Powers shall be accorded by Egypt the same status as foreign Consuls enjoy in England.

(d) Existing Treaties and Conventions to which Egypt is a party on matters of commerce and navigation, including postal and telegraphic Conventions, will remain in force. Pending the conclusion of special agreements to which she is a party, Egypt will apply the Treaties in force between Great Britain and the foreign Powers concerned on questions affected by the closing of the Consular Courts,

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such as extradition Treaties, treaties for the surrender of seamen deserters, etc., as also Treaties of a political nature, whether multi-lateral or bilateral, e.g., arbitration Conventions and the various Conventions relating to the conduct of hostilities.

(e) The liberty to maintain schools and to teach the language of the foreign country concerned will be guaranteed, provided that such schools are subject in all respects to the laws applicable generally to European schools in Egypt.

(f) The liberty to maintain or organise religious and charitable foundations, such as hospitals, etc., will also be guaranteed.

The Treaties will also provide for the necessary changes in the Commission of the Debt and the elimination of the international element in the Alexandria Board of Health.

9. — The legislation rendered necessary by the aforesaid agreements between Great Britain and the foreign Powers, will be effected by decrees to be issued by the Egyptian Government.

A decree shall be enacted at the same time, validating all measures, legislative, administrative, or judicial, taken under Martial Law.

10. — The decrees for the reorganisation of the Mixed Tribunals will provide for conferring upon these Tribunals all jurisdiction hitherto exercised by the foreign Consular Courts, while leaving the jurisdiction of the native courts untouched.

11. — After the coming into force of the Treaty referred to in Article 3, Great Britain will communicate its terms to foreign Powers and will support an application by Egypt for admission as a member of the League of Nations.

The Policy of the Memorandum

1. Representation of Egypt in Foreign Countries

The policy of the above document in its general character is in accordance with the conclusions at which, for the reasons already given, we had arrived before leaving Egypt. But, as a result of our discussions with Zaghlul Pasha and his associates, we were now prepared to go somewhat further. The most important point on which we were led by their arguments to modify our earlier view is one to which the memorandum gives especial prominence, viz., the right of Egypt to appoint her own representatives in foreign countries. It has always been, and is, from our point of view, a fundamental principle that the foreign relations of Egypt should be under the general direction of Great Britain. All reasonable Egyptians, however strongly Nationalist, recognise the immense value of the security which an alliance with Great Britain would afford them. But it is obviously impossible to expect that Great Britain should shoulder the

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responsibility of defending the integrity and independence of Egypt against all possible dangers, if that country were free to pursue a policy of her own in foreign affairs inconsistent with or prejudicial to the policy of Great Britain. This axiom none of the Egyptians with whom we were dealing ever attempted to dispute. They were quite prepared — in a Treaty of Alliance — to give whatever pledges might be necessary to exclude the possibility of any action on the part of Egypt which could cause embarrassment to her great ally. There was, indeed, no difference of opinion on this point in the course of our discussions, and the words of the memorandum dealing with it appear to us to make the complete understanding which existed with regard to the subject sufficiently clear. For in this, as in other respects, it must always be borne in mind, that in drawing up the memorandum, we were not attempting to draft a Treaty but simply to express in ordinary language the ideas which a Treaty, to be subsequently negotiated, would express with much more detail and in terms of greater precision.

The real issue here was not whether Egypt should be free to follow a foreign policy independent of Great Britain — the impossibility of our assenting to this was not disputed — but whether this principle necessarily involved the conduct of all her foreign relations remaining in British hands.

This was a question upon which we had already, before discussing it with the Egyptians at all, come to a very definite conclusion. In our opinion British control should be limited to Egypt's political relations. Egyptian commercial or other interests of a non-political character in foreign countries had better be left in Egyptian hands. These interests are numerous and growing. The development of commerce and communications, the rapidly increasing number of Egyptians who now travel or reside abroad, especially in Western Europe, and the multifarious connections which they form there constitute a need for a certain amount of official protection. If the duty of looking after all Egyptian private interests abroad is to continue to fall upon British diplomatic and consular agents, it will become an excessive burden. And the inevitable failure to discharge that duty to the satisfaction of the Egyptians will be a constant source of grievance. For these reasons it seemed to us from the first to be eminently desirable that Egypt should appoint representatives of her own in foreign countries.

But what we originally contemplated was that these Egyptian representatives should have only consular and not diplomatic status. It was on this point that during our discussions in London we came, not without hesitation, to adopt a different view. The Egyptians were all absolutely unanimous in maintaining that the denial of

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diplomatic status to the representatives of Egypt vitiated the idea of an Alliance and would make the settlement we were contemplating entirely unacceptable to their countrymen. And in this assertion we believed them to be justified. . . .

Such were the arguments which led us to reconsider our position on the question of diplomatic status. In so doing we were well aware, and we frankly told the delegates, that this was a concession which might alarm public opinion in this country and imperil the acceptance of the agreement as a whole by the British people. And, judging from the unfavourable comments which this proposal has already excited in many quarters, it is evident that we were not mistaken in anticipating that it would meet with serious opposition. Nevertheless, we remain of the opinion that the balance of argument is decisively in its favour. So long as bitterness and friction continue to exist between Great Britain and Egypt, we shall always be exposed to the hostility of Egyptians in foreign countries. Associations for the purpose of anti-British propaganda have been actively at work for a number of years in Switzerland, France, Germany, and Italy. There is no remedy for this, except in restoring friendly relations and we rely on the whole policy here proposed to have this effect. If that result is achieved there will, in our opinion, be positive advantages in giving diplomatic status to Egyptian representatives abroad. For if, as is only to be expected, a certain number of irreconcilables are still left to carry on the campaign against Great Britain, the official representatives of Egypt will be bound to try to restrain them. No Egyptian Minister could do otherwise than discountenance activities on the part of his own countrymen, directed against Egypt's ally, without failing in his duty and rendering himself liable to be recalled.

2. The Defence of Imperial Communications

The supreme importance which the delegates attached to the question of national status was once more strongly in evidence when we came to deal with Great Britain's strategic interest in Egypt — the protection of her Imperial communications. To Great Britain — as an ally — they thought that Egypt could, without indignity, accord a base in Egyptian territory, "a strong place of arms," a *point d'appui* in the chain of her Imperial defences, linking East and West. They were not averse from the idea that Great Britain, in case of war, should have the command of Egyptian resources, and especially of all means of communication, railways, aerodromes, etc., for the conduct of military operations. Such a stipulation was even welcome as emphasising the "bilateral" character of the agreement between the two countries, inasmuch as Egypt would be giving some-

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thing in exchange for what she got. As by a Treaty of Alliance, Great Britain would be undertaking to defend Egypt, it was only fair that Egypt should do something to assist the British Empire, if Great Britain was engaged in a war, even a war in which Egypt was not directly interested.

A more difficult point was the maintenance of a British military force in Egypt in time of peace. But here again it was not so much the numbers of the force in question which interested the Egyptians as its character. As long as it was not there as an "Army of Occupation," as a force intended to "keep order" in Egypt, which was merely another way of saying to keep Egypt in subjection, but was maintained for an external object, the defence of the British Empire, the presence of a British force in Egypt was justifiable from their point of view. The question of the strength of that force was never raised in the course of the discussion. It was recognised that this depended on external conditions and, apart from what would be necessary if Egypt was herself in danger, might vary with the varying exigencies of Imperial defence. The great point was, that it should not be regarded in any sense as a garrison of Egypt. The maintenance of internal order was a matter for the Egyptians themselves.

In order to emphasise this aspect of the case the delegates urged very strongly, that the force in question should be stationed on the bank of the Suez Canal and preferably on its eastern side. But to this it was quite impossible for us to agree. For, in the first place, the presence of British troops in the neutral "canal zone" would be calculated to raise trouble with other Powers interested in that international waterway. The neutrality of the canal is guaranteed by international agreements and the permanent occupation of the canal zone by troops of any single Power might be challenged as a breach of that neutrality. Moreover, Great Britain's strategic interest in Egypt is not limited to securing a free passage through the Suez Canal. "The defence of her Imperial communications" involves much more than that. For Egypt is becoming more and more a "nodal point" in the complex of those communications by land and air as well as by sea. In face of these considerations, the idea of fixing Kantara, or some other spot in the canal zone, as the site of a cantonment had to be abandoned, and, the principle of the maintenance of a British military force in Egypt having been admitted, the question where that force should be stationed was left open — to be settled, with other details, in the official negotiations for the conclusions of the contemplated Treaty.

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3. *The British Officials in the Egyptian Service*

The seventh clause of Article 4 of the memorandum deals with the position of British officials in the Egyptian service. This is a matter of supreme importance to the good government of Egypt. The whole system of internal administration as it exists to-day, has been mainly built up by the work and example of British officials, many of whom have spent the best part of their lives in the country. The immediate elimination of the British element would bring the whole fabric down in ruins. Even an over-hasty reduction of that element would threaten its stability, and greatly impair the efficient conduct of public business.

It is not indeed to be feared that, with the retirement of the British officials, the country would relapse into the state of maladministration, from which we have delivered it, and that all the old evils would return. The number of Egyptians qualified by education and character to take part in the work of government on civilised principles has greatly increased since the occupation. All the Egyptians, even the humblest, have become so habituated to the new standard of orderly, equitable and honest administration, that a complete return to the abuses of the past would not be tolerated. Nevertheless, the "new model" would certainly be exposed to danger of serious deterioration, if the men who have built it up and are still its mainstay were to be suddenly withdrawn.

Thus it is only natural that the proposal to leave a purely Egyptian Government entirely free to retain or not to retain British or other foreign officials in the Civil Service should be at first sight regarded with considerable uneasiness. But a calm consideration of the practical aspects of the case is calculated greatly to allay these misgivings. The idea of any Egyptian Government, however free to do so, attempting to make a clean sweep of its foreign officials is a chimera. One has only to picture the plight of such a Government, suddenly deprived of its most experienced and responsible advisers and confronted with the general unpopularity which the consequent administrative breakdown would entail, to realise that no sane men would deliberately plunge into such a sea of trouble. And it is not only Egyptian disapproval which would have to be reckoned with, but the anger and alarm of the foreign residents. The large and wealthy foreign Colonies, on which the economic welfare of Egypt so greatly depends, would at once be up in arms. For these have all come to regard the presence of a British nucleus in the administration as the sheet-anchor of their own safety and prosperity. . . .

But while any general or rapid displacement of the British and other foreign officials is not to be anticipated, it is nevertheless

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desirable to make careful provision for those, with whose services the Egyptian Government may wish to dispense or who may themselves wish to retire, when the new system comes into force. Such men must be treated not only with fairness, but with generosity. For nothing could have a worse effect upon Anglo-Egyptian relations in the future than that a number of former officials should be left with a sense of grievance. In any Treaty between Great Britain and Egypt their position will have to be absolutely safeguarded, and the conditions of retirement carefully laid down after consultation with representatives of those concerned. Under the existing law Egyptian officials, who are retired by the Government for reasons other than misconduct, receive pensions on a not ungenerous scale proportionate to their length of service. No new arrangement can infringe existing rights. But it is evidently necessary, in view of the altered circumstances, to make special provision for those whose careers may be prematurely cut short. And it is quite essential that men who under the new system retire of their own accord, should receive the same favourable treatment as those with whose services the Egyptian Government may choose to dispense. In ordinary circumstances a man voluntarily resigning a public post before the normal time for his retirement does so at a certain sacrifice. But this principle does not apply where the conditions of service are essentially altered. In that case the official should have the right to choose, whether he will or will not go on serving under the new conditions, and if he prefers to retire, should be entitled to do so on the same terms as if his retirement had been compulsory. . . .

General Summary

In view of the complicated nature of the subject, and the length to which our Report — though we have striven to omit all unessential details — has necessarily run, we desire to recapitulate the main features of the policy which we now recommend, and the stages by which our conclusions have been reached.

When we arrived in Egypt we found a general state of unrest and discontent. The rebellion had been suppressed, but agitation was undiminished, and among an extreme group still took dangerous and violent forms. Everywhere the demand was for "complete independence" beginning with the abolition of the "Protectorate," which was construed as implying the extinction of Egyptian nationality. To justify this inference, the Nationalists pointed to the refusal of the British Government to permit Egyptian Ministers to come to London after the Armistice, to the deportation of Zaghlul Pasha and his associates, to the increase since the war in the number

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of British officials, and to the continuance of martial law. At the same time the enunciation of President Wilson's fourteen points had aroused wide-spread expectations, and the promise of self-determination to other Eastern peoples whom the Egyptians thought inferior to themselves had added to their discontent. Religious feeling had also been inflamed by the defeat of the Turks and the doubts and uncertainties as to the future of the Caliphate.

On the British side the situation was full of difficulty. A large number of experienced officials had been lost to the service since the beginning of the war and their places taken by new men who knew little of the traditional system by which, in the days of Lord Cromer, British control was maintained without wounding Egyptian susceptibilities. The work of the Administration during the war deserves the warmest acknowledgment, but it necessarily entailed a certain subordination of Egyptian to British interests, and the employment of rough and ready methods likely to be resented by a people whose sympathies were not actively engaged on our side. When the war ended, many of the old landmarks had disappeared and there was a break of continuity with the past. Martial law had become necessary, not merely to maintain order, but to carry on the civil government; the "Agent-General" had become a High Commissioner who was also Commander-in-chief, and though Egyptian Ministers continued to hold office, the Legislative Assembly was suspended. The Administration in these circumstances had to be carried on in the teeth of almost universal opposition, affecting even the official class, upon which the Government had to rely for a large part of its executive work.

We soon came to the conclusion that this situation could not be met by any return to the pre-war system or by any reforms of a merely departmental character. A more radical change was required to meet the new conditions. But the agitation against the "Protectorate" had greatly increased the difficulty of finding any acceptable policy which would satisfy the Egyptians while securing British interests. The word "Protectorate" had become a symbol of servitude in the minds of the Egyptians, and they insisted that it must mean what they said it meant. Argument on this point was wholly useless, and it thus became evident to us that, unless we could get on to new ground, it would be impossible to reach a settlement by agreement.

Fortunately the informal conversations which we had with leading men in Egypt encouraged us to hope that such a settlement was not impossible on new lines. They said with one accord that, though they objected to having an inferior status imposed upon Egypt by the British Government, they would welcome a Treaty of Alliance freely entered into on both sides, which, while establishing the independence

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of Egypt, would give to Great Britain all those safeguards and guarantees which the Protectorate, as we understood it, was intended to secure. The greater part of our subsequent work lay in examining this possibility, and our aim throughout has been to find the basis of a Treaty which should supersede all debates about words and phrases, and be the sole and final definition of the relations of Great Britain and Egypt.

There is nothing new in the recognition of Egyptian independence by Great Britain. Throughout our occupation we have most carefully respected the theory that Egypt was a national unit under the suzerainty of the Sultan of Turkey, and when we abolished the Turkish suzerainty we deliberately chose to proclaim a Protectorate in preference to annexing Egypt or making her part of the British Empire. We have constantly renewed our promise of self-government for Egypt. We are of opinion that the fulfilment of this promise cannot be postponed. The spirit of Egyptian Nationalism cannot be extinguished, and, though it may always be possible to suppress its more violent manifestations, the government of the country in the teeth of a hostile people, who charge us with breach of faith, must be a difficult and distasteful task, alike to those who take part in it and to the British people who are responsible for it.

But there are formidable difficulties in the way of any sudden or complete transfer of all the powers of government to Egyptian hands. There are essential British interests to be upheld; it is also imperative to ensure the safety and protect the rights of the large number of foreign residents whose presence in Egypt differentiates her position from that of other Eastern countries and greatly complicates the problem.

The essential British interests are that the great Imperial communications which pass through Egyptian territory shall not be jeopardised, either by internal disturbances or foreign aggression; that they shall be available in time of war, and for necessary purposes in time of peace; that the struggle for ascendancy in Egypt between rival Powers shall not be renewed; and, finally, that an independent Egypt shall not pursue a foreign policy hostile or prejudicial to that of the British Empire. It is therefore necessary that any Treaty entered into between us and the Egyptians should secure the special position of the British representative in Egypt, enable us to maintain a force within Egyptian territory for the protection of our Imperial communications, and take adequate security that Egyptian policy shall be in line with that of the British Empire.

The protection of foreign rights presents a problem of even greater complexity. These are at present secured by the Capitulations. But the Capitulations are the greatest of all the disabilities from which

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Egypt now suffers (see note on p. 19). The multiplicity of jurisdictions arising out of them, and the facilities which they give to men of uncertain nationality to escape from the local jurisdiction greatly complicate the problem of law and order; while the exemption of foreigners from direct taxation, other than the land and house tax, cripples the Government in raising revenue, since it is in practice impossible to impose on Egyptians taxes from which foreigners are exempt. Thus, although the wealth of the country is rapidly increasing and its resources are now ample for all the needs of good government, the Administration has for some time past been compelled to starve essential public services, such as Education and Public Health. During the war it has only been possible to raise sufficient revenue for the auxiliary policy (*Ghaffirs*) by a special tax imposed under Martial Law.

It was evident to us that, without the removal of these restrictions, no Egyptian Government could enjoy any real independence. To leave an Egyptian Ministry to struggle with conditions which threatened to bring the present Administration to a stand-still would be to foredoom it to failure. We foresaw that, if the Capitulations were maintained, the Egyptian Government without British support would in all probability be exposed to a competing pressure of foreign influences, which might paralyse its action. It was therefore clearly in the interests of Egypt that the Capitulations should be removed and the Mixed Tribunals reorganised so as to enable them to take over the jurisdiction of the Consular Courts and to act in criminal as well as civil suits affecting foreigners. But this could only be effected through the mediation of Great Britain, and Great Britain could only expect to succeed in inducing the Powers to part with their present privileges, if she were in a position to assure them that solvency would be maintained and that the lives and property of foreigners would be secure. Our efforts were accordingly directed to securing for Great Britain such a position as would enable her to give this necessary assurance. In order to achieve this object, it is necessary that any Treaty should provide for the right of Great Britain to intervene in legislation affecting foreigners and to exercise a certain measure of control over those branches of the administration which most directly affect foreign interests.

Subject to these safeguards for the special interests of Great Britain and the protection of foreign rights, we hold that the Government of Egypt should be restored in fact to what it has always, during our occupation, been in theory, a Government of Egypt by Egyptians. We have sufficient faith in the reforming work of the last forty years to believe that such a course can now be followed with a good prospect of success. But it must be adopted whole-

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heartedly and in a spirit of hopefulness and sympathy. Nothing would be more likely to lead to failure than to overload this policy with an excessive number of timorous restrictions, which would obscure the principle of Egyptian independence, create suspicion as to our real intentions, and defeat our main object — the re-establishment of mutual goodwill and hearty co-operation between British and Egyptians.

EXTRACT II. BREAKDOWN IN THE NEGOTIATIONS¹

[On November 10, 1921, after prolonged conferences with Adly Pasha, Lord Curzon submitted a memorandum laying down the terms of the proposed treaty between Great Britain and Egypt. On two crucial points — foreign relations and military dispositions — Adly Pasha declared that this offer was inconsistent with the national aspirations of Egypt. This disagreement brought negotiations to an end; but, in a letter from the High Commissioner to the Sultan, the British government sought to explain and justify its policy.]

I. Military Dispositions. The War Office and the Foreign Office

This was the chief stumbling-block. The Government's proposal (clause 10) read: — "Great Britain undertakes to support Egypt in the defence of her vital interests and of the integrity of her territory. For the discharge of these obligations and for the due protection of British Imperial communications, British forces shall have free passage through Egypt and shall be maintained at such places in Egypt and for such periods as shall from time to time be determined. They shall also at all times have facilities, as at present, for the acquisition and use of barracks, exercise grounds, aerodromes, naval yards, and naval harbours."

It was well known to the Cabinet that the wording of this clause conflicted with the expressed views of responsible Egyptians who unanimously maintained that the British forces should be confined to the Canal zone. The Milner Report dealt with the point, declaring decisively that "to this it was quite impossible for us to agree," but expressing no opinion about where the force should be stationed.

In the proposed treaty the Cabinet adopted the War Office as opposed to the Foreign Office view. It is the Foreign Office that has come in for most of the opprobrium on this head owing to the fact that Lord Curzon has been the Government's spokesman in the

¹ *Manchester Guardian Weekly*, December 9, 1921. This article is based upon the White Paper Cmd. 1555 of 1921, which, from consideration of space, cannot be given here in full.

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negotiations with Adly Pasha. The War Office demanded complete freedom in the disposition of the occupying troops on the ground that it could not otherwise accept military responsibility.

The Foreign Office, on political grounds, was in favour of meeting the Egyptian argument that the scope of the British troops should be specified and limited, and that there should be no suspicion of imposed British control beyond what was necessary for the safeguarding of British interests. The Foreign Office therefore suggested that the British forces should be stationed near the great towns but outside them. The Foreign Office lost its case.

On the other hand, it is not possible to point to any division of official opinion on the question of maintaining a British garrison in the interior of Egypt as opposed to the Canal Zone. The argument is that the Alexandria riots, of which the official report will shortly be published, indicate that it would be unwise to trust entirely to Egyptian police for the maintenance of order. At Alexandria it was proved impossible to restore order before the British troops entered the town, and the British intervention was at once effective.

As the letter addressed by the High Commissioner to the Sultan makes clear, the policy underlying the British Government's proposals aims at a gradual elimination of British influence as quickly as Egypt proves herself competent to maintain order, the moment for complete withdrawal not having yet arrived.

II. Foreign Relations. The High Commissioner Difficulty

On the question of Egyptian foreign relations there were two main issues. On one of them the full Egyptian claim is conceded — namely, that Egypt shall enjoy diplomatic representation in London and abroad by representatives with the title of Minister. On the other, that of the status of the British High Commissioner, official opinion here maintains that Egyptian fears are unfounded. Adly Pasha objects to the title High Commissioner. Official quarters point out that there is no significance in it beyond the differentiation of status between British and other foreign representatives in Egypt — a distinction which was one of the Milner recommendations.

Adly Pasha objects to the stipulation that the British High Commissioner should be consulted before the Egyptian Government can conclude political agreements with other powers. The official argument is that Egypt would be committed to nothing more than "consultation," which is the minimum method of safeguarding British special interests in Egypt and does not go beyond the Milner recommendation, which was as follows: "Egypt will undertake not to adopt in foreign countries an attitude which is inconsistent with the

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alliance or will create difficulties for Great Britain and will also undertake not to enter into any agreement with a foreign Power which is prejudicial to British interests. . . .”

Points in the convention (in addition to the military clauses already quoted) included: 1. The setting up of an Egyptian Ministry of Foreign Affairs, and the representation of British interests in Egypt by a High Commissioner, between whom and the Egyptian Foreign Ministry the closest relations shall exist. No political agreement with foreign Powers to be entered into without consultation with Britain through the High Commissioner.

2. Egypt to appoint consuls abroad and Ministers in London and other capitals.

3. Britain to conduct the capitulations abolition negotiations and to accept responsibility for protection of foreign interests.

4. A Financial Commissioner, appointed by Egypt in consultation with the British Government, to be entrusted with the powers of the Commissioners of the Debt, and without his concurrence no external loan to be raised nor public service revenue allocated.

5. A Judicial Commissioner to be appointed in the same way, charged with the interests of foreigners.

In their reply on November 15, the Egyptian Delegation declare that the military proposal — of capital importance — went even beyond that originally proposed and resolutely opposed by them. They add: “While it would have been sufficient to agree upon a zone in the region of the Canal, where the ways and means of Imperial communications and the force for their protection might have been localised, the draft confers on Great Britain the right to maintain military forces at all times, on any part of Egyptian territory, and places at her disposition all the ways and means of communication in the country. This constitutes occupation pure and simple, destroys every idea of independence, and suppresses even internal sovereignty.”

As for Egypt’s conduct of foreign affairs, the reply declares that the High Commissioner would in fact have direct control. His title, in fact, emphasised yet further the political status proposed for Egypt. The reply reaffirms opposition to the interference by Financial and Judicial Commissioners “with the whole internal administration of the country.”

After a declaration of Egypt’s “indisputable right of sovereignty” over the Sudan and of control of the Nile waters, the reply says that the Convention has the “quality of an actual deed of guardianship,” and concludes: “When we accepted the mission with which his Highness the Sultan entrusted us, we hoped to conclude a treaty of alliance which, while truly establishing the independence of Egypt,

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would have safeguarded British interests, and Egypt as the ally of Great Britain would have held it a point of honour scrupulously to fulfill the obligations which would have been incumbent upon her. But an alliance between two peoples cannot be realised save on the condition that it does not constitute for one of them a permanent pact of subjection. The conciliatory spirit in which our discussions were conducted entitled us to look forward to the result of the negotiations with confidence. The draft which we have in our hands does not correspond with that expectation. In its present form it does not allow us to retain the hope of arriving at an agreement which will give satisfaction to the national aspirations of Egypt."

Lord Allenby's Letter

The White Paper also includes a declaration of British Policy forwarded by Lord Allenby to the Sultan of Egypt on December 3.

The memorandum, after referring to the close coincidence between Great Britain's interests in Egypt and the interests of Egypt herself, and the vital necessity to the Empire that Egypt, on the main line of communications with our Dominions in the East, shall be immune from the dominant influence of any other Great Power, recapitulates the advantages which Egypt has gained from her association with this country before and during the war.

After summarising the treaty provisions proposed to assure Britain's "exclusive rights and responsibilities," the memorandum proceeds: "Great Britain's claims are not intended to involve the continuance of an actual or virtual protectorate. On the contrary, the ideal which they have sincerely at heart is that of an Egypt enjoying the national prerogatives and international position of a Sovereign State, but closely wedded to the British Empire by a treaty guarantee of common aims and interests.

"The rejection of these proposals by your Highness's existing Government creates a new situation. It will not affect the principle of British policy, but it necessarily reduces the measures which can now be carried out. His Majesty's Government therefore desire to state clearly where they stand.

"With regard to the immediate present, they cannot give effect to their proposals without the consent and co-operation of the Egyptian nation; but they maintain the desire, which they have long entertained, to provide for the ever-advancing development of native talent by an increase in the number of Egyptians employed in every branch, and notably in the higher branches of the Administration, hitherto too extensively filled by Europeans.

"They would wish that the powers now exercised by the Com-

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mander-in-Chief under martial law should be exercised only under the Egyptian civil law by the Egyptian Government, and they will gladly withdraw martial law as soon as the Act of Indemnity, which is indispensable for the protection of that Government as well as of the British authorities in Egypt, has been enacted and become operative in all the civil and criminal courts in Egypt.

"With regard to the future, his Majesty's Government desire to state in plain terms the policy which they intend to pursue. They understand that the proposals presented to your Highness's delegation were rejected on the ground that the safeguards for British and foreign interests contained in them would be fatal to the genuine exercise of self-government. They deeply regret that the maintenance of British troops in Egypt and the association of British officials with the Ministries of Justice and Finance should be so gravely misunderstood.

"The progress of Egypt towards her ideals will not only be retarded, but completely jeopardised, if her people are tempted to indulge their national aspirations, however sound and legitimate in themselves, without sufficient regard to the facts which govern international life. Nothing is gained by minimising national obligations and exaggerating national rights. . . .

"The world is suffering in many places at the present time from the cult of a fanatical and purely disruptive type of nationalism. His Majesty's Government will set their face against it as firmly in Egypt as elsewhere.

"They do not aim at keeping Egypt in tutelage. On the contrary, they desire to fortify the constructive elements in Egyptian nationalism, to give them scope, and to bring nearer the full attainment of the national ideal."

EXTRACT III. EGYPTIAN INDEPENDENCE RECOGNIZED¹

[Negotiations for a treaty with Egypt having failed, Lord Allenby persuaded the government to adopt a different method of procedure. The new policy was embodied in the declaration of principles which follows and in a letter from Lord Allenby to the Sultan.]

Declaration to Egypt

Whereas his Majesty's Government, in accordance with their declared intentions, desire forthwith to recognize Egypt as an independent sovereign State; and

¹ The documents are given at the close of the White Paper Cmd. 1592 (1922).

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Whereas the relations between his Majesty's Government and Egypt are of vital interest to the British Empire;

The following principles are hereby declared:

1. The British Protectorate over Egypt is terminated, and Egypt is declared to be an independent sovereign State.

2. So soon as the Government of his Highness shall pass an Act of Indemnity with application to all inhabitants of Egypt martial law as proclaimed on the 2nd November, 1914, shall be withdrawn.

3. The following matters are absolutely reserved to the discretion of his Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between his Majesty's Government and the Government of Egypt:

(a) The security of the communications of the British Empire in Egypt;

(b) The defence of Egypt against all foreign aggression or interference, direct or indirect;

(c) The protection of foreign interests in Egypt and the protection of minorities;

(d) The Sudan.

Pending the conclusion of such agreements the status quo in all these matters shall remain intact.

Allenby's Letter to the Sultan

I have the honour to bring to your Highness' notice that certain passages of the explanatory note which I addressed to you on December 3, 1921, were interpreted, to my great disappointment, in a manner not in accordance with the intention and policy of his Majesty's Government.

2. Judging by many comments which have been published on the subject of this note, it would appear that many Egyptians were under the impression that Great Britain was about to abandon her liberal and favourable attitude towards Egyptian aspirations and to make use of her special position in Egypt in order to maintain a political and administrative régime incompatible with the freedom she has offered.

3. Such an interpretation of the intentions of his Majesty's Government was quite mistaken. On the contrary, the explanatory note emphasised the dominating principle that the guarantees claimed by Great Britain are not designed to involve the continuance of an actual or virtual protectorate. Great Britain, as it is stated therein, sincerely desires to see "an Egypt enjoying the national prerogatives and the international position of a sovereign State."

4. If Egyptians have regarded these guarantees as being out of

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keeping with the position of a free country they have, on the other hand, lost sight of the fact that Great Britain has been obliged to claim them out of consideration for her own security in face of a situation which demands great prudence on her part, particularly in the matter of the disposition of her troops. Present world conditions, however, and the state of effervescence which has prevailed in Egypt since the Armistice are not permanent factors, and it is to be hoped that while, on the one hand, the former will eventually improve, on the other hand, the time will come when, in the language of that note, Egypt's record will give confidence in her own guarantees.

5. As to any desire to interfere in the internal administration of Egypt His Majesty's Government have sufficiently stated, and repeat, that their most ardent desire is to place in Egyptian hands the conduct of their own affairs. The draft agreement proposed by Great Britain did not depart from this idea, and in making provision for the presence of two British officials in the Ministries of Finance and Justice, it was not her intention to use these two officials for the purpose of intervening in Egyptian affairs, but solely in order to preserve the contact requisite for protecting foreign interests.

6. Such is the sole bearing of the guarantees that were demanded by Great Britain. They were claimed without any desire to impede Egyptians enjoying the full rights of a national Government.

7. Animated as she is by these intentions, it will be understood that it is repugnant to Great Britain, on the one hand, to see Egyptians delay by their own acts the realisation of an ideal aimed at by both parties, and, on the other hand, to be compelled herself to intervene to re-establish order when it is threatened in such a way as to arouse the fears of foreigners and to involve the interests of foreign Powers. It would be much to be regretted if Egyptians should see in the exceptional measures which have recently been taken any prejudice to the ideal to which they aspire or an intention on the part of his Majesty's Government to alter the policy I have indicated. In taking these measures, the sole desire of his Majesty's Government has been to put an end to a harmful agitation which, by arousing popular passions, might have such consequences as to jeopardise the whole result of the efforts of the Egyptian nation. These measures were taken primarily in the interest of the Egyptian cause, which has everything to gain by being studied in an atmosphere of calm and friendly discussion.

8. Now that tranquillity seems to be re-establishing itself, thanks to the wise spirit which is the root of the Egyptian character and asserts itself in times of crisis, I am happy to be able to announce to your Highness that his Majesty's Government are prepared to recommend the accompanying declaration for the approval of Parliament.

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This will, I am confident, establish a régime of mutual confidence and lay the foundation for a satisfactory and final solution of the Egyptian problem.

9. There is no obstacle to the re-establishment forthwith of an Egyptian Ministry for Foreign Affairs which will prepare the way for the creation of the diplomatic and consular representation of Egypt.

10. The creation of a Parliament with a right to control the policy and administration of a constitutionally responsible Government is a matter for your Highness and the Egyptian people to determine. Should circumstances arise to delay the coming into force of the Act of Indemnity with application to all inhabitants of Egypt mentioned in the declaration accompanying this note, I desire to inform your Highness that I shall be prepared, pending the repeal of the proclamation of November 2, 1914, to suspend the application of martial law in respect of all matters affecting the free exercise of the political rights of Egyptians.

11. It is now for Egypt to respond, and it is to be hoped she will justly appreciate the good intentions of Great Britain, and that reflection and not passion will guide her attitude.

